



**INSTITUTE FOR GOVERNMENT RESEARCH**

**STUDIES IN ADMINISTRATION**

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# **REGISTRATION OF VOTERS IN THE UNITED STATES**

**BY**

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*TO MY MOTHER*





## DIRECTOR'S PREFACE

Properly viewed, the study of public administration comprehends all matters having to do with the organization and operation of the machinery of government. It is thus as much concerned with the problem of organization and procedure of the legislative, judicial, and electoral branches of government as it is with that of the executive or administrative branch. As its own direct work has been almost wholly in the field of the administrative branch, the Institute for Government Research has welcomed all the more the opportunity to publish a study falling in another field, which has been made under exceptionally favorable circumstances and with, it is believed, exceptional care and thoroughness.

The author, Dr. Joseph P. Harris, now filling the chair of Associate Professor of Political Science in the University of Wisconsin, has, for years, made the system of registration of voters in the United States a subject of special study. His doctoral dissertation, prepared under the direction of Professor Merriam at Chicago, was devoted to this subject. Subsequently, while holding a research fellowship from the Social Science Research Council, he traveled throughout the country making a personal study in the field of the more important and typical registration systems and the results actually achieved under them. This study carried him into over thirty states, including practically every large city of the country, and the survey of their registration systems was made with a view to finding out the manner in which the several systems worked in practice. As secretary of the National Municipal League Committee on Election Administration, he prepared the report on a Model Registration System that was published as one of the technical supplements to the National Municipal Review. As a specialist, his assistance has been sought by a number of states in the draft-

ing of improved registration laws and in securing legislative action thereon. To an unusual degree the present study thus represents a work of original research, and the formulation of constructive recommendations based upon a knowledge of practical considerations to be met.

The most important feature of this study is, therefore, that it rests upon an extensive field inquiry in which the object sought was to determine, not only the legal provisions governing the several registration systems made use of by the states, but also the manner in which these systems operated in practice. The technique followed in making this inquiry is of interest. A painstaking study was first made of the registration laws of all the states and the judicial decisions bearing thereon. This done the author went into the field. His prior study of the registration systems enabled him at once to see the facts that it was desirable to secure. The bulk of the data was secured from the registration office itself. Usually arrangements were made to have the best informed person in the office explain the system in detail. It was also generally found helpful to secure the assistance of some local person in making the contact with the chief registration officers. In many cities the author went first to the bureau of municipal research or some other active civic organization for advice and assistance, to get the "lay of the land." It was found highly desirable to learn the general political make-up of the registration office, to ascertain what persons would probably be willing to give reliable and detailed information upon the practical workings of the system, and to find out other factors likely to affect the securing of information. At times this assistance was secured from individuals rather than organizations. After the study was under way no difficulty was encountered in finding out, prior to the visit to a city, the persons who would be most useful and in many instances in securing valuable letters of introduction. Most registration offices were visited at an off season when their officers were not busy. This facilitated materially the securing of detailed information about registration practice. The officers were most generous in the

giving of their time, in explaining every phase of organization and procedure, and in discussing the practical operation of their systems.

The surveys were not confined, however, to an examination of the office records and a detailed study of the practice. Persons outside of the registration office—newspaper men, politicians, public spirited citizens, social reformers, and others who were acquainted with the local political situation, were also interviewed. An attempt was made, in most cases, to learn something of the local political organizations, their strength, leaders, and methods, in order to understand the practical conditions under which the registration systems operated. In these interviews with persons inside and outside the registration offices the effort was made, not only to secure light upon local conditions and practices, but the general registration problems as well. Through them, the effort was made to bring together the best informed opinion on all phases of registration administration, especially from the practical operative standpoint.

The author states that he found that the working out of a standardized survey prior to beginning his field study, even though it was later modified in the light of practical experience, was of great value to him. This procedure facilitated thoroughness, ensured the collection of comparable data and economized time and energy. Each survey, which required from a week to a month in the case of the larger cities and a day or two in the case of the smaller ones, was written up immediately after the close of the field work, and a uniform scheme of presentation was early evolved. Rural, as well as urban, sections were covered through visits to county seats and smaller towns. Only a fraction of the material thus secured is, however, to be found in the present work.

Throughout his study the author sought to discover the most satisfactory system. His study demonstrated, however, that no one system was most satisfactory in all respects. One had certain features of excellence, and others, other features worthy of commendation. California, for example, was found to have the

## DIRECTOR'S PREFACE

most satisfactory system of records, Milwaukee and Minneapolis the best transfer system, Omaha the best canvass system, Boston the best census of adults, Detroit and St. Louis the best method of selecting precinct officers, and so on. Only as all the systems are drawn upon is it possible to devise a system of general excellence. It is the hope of the author and the belief of the present writer that the study here presented will contribute materially to putting this branch of public administration in the United States upon a more effective and efficient basis.

W. F. WILLOUGHBY.

## AUTHOR'S PREFACE

This volume brings together the results of fifteen months of field study, during which the author visited over thirty states, and practically every large city in this country. The registration system of each state was surveyed in a systematic manner, with a view to finding out what light it would throw upon the subject, and to discover how every feature of the law of each state worked in actual practice. The fundamental technique was to investigate the practical workings of existing registration laws, and to deduce therefrom the principles of sound administration. The surveys were made with the thought that an ideal system would consist of the best features of many systems. Equal attention was given to features which worked badly in actual operation. There is, of course, no one ideal system for every state. In order to devise the most practical system for each state it is necessary to have a comprehensive knowledge of existing registration laws throughout the country, how they work, and the principles of registration administration. The treatment of the subject here is analytical, however, rather than descriptive. No attempt is made to give a detailed account of the endless variations from state to state, which would be both futile and boring.

This study was made possible through the grant of a fellowship to the author by the Social Science Research Council in 1925 and 1926. So many persons throughout the country have been consulted in the preparation of this work that it will be impossible to make due acknowledgment to all. Public officials, men and women of public affairs, leaders of civic organizations, political reporters, politicians, members of university faculties, and others, have rendered invaluable assistance in connection with the field surveys. The author is under especially heavy obligation to Professor Charles E. Merriam, who first suggested

this study, and who has constantly given suggestions, advice, criticisms, encouragement, and inspiration. Mr. George C. Sikes, of Chicago, now deceased, gave the author much information and sound advice, based upon his wide experience and study of registration throughout the country. Dr. Harold W. Dodds, Editor of the *National Municipal Review*, has kindly permitted the use of several articles, describing the registration systems of Boston, Milwaukee, Omaha, and San Francisco, which appeared originally in that magazine.

The author feels very heavily indebted to election officials, who have been exceedingly generous of their time, and who have patiently explained in great detail the local registration system. This work is based largely upon the information gained through the coöperation of election officers. Only a few of these officials can be listed below. The following persons have given material assistance to the author in making the field surveys: *Boston*, Honorable Frank Seiberlich, Election Commissioner; Professor Arthur N. Holcombe; and Honorable Elijah Adlow; *New York City*, Dr. Luther Gulick, Director, National Institute of Public Administration; Mr. Joseph McGoldrick, Citizens' Union; Honorable Charles Heydt, Election Commissioner; and Honorable Albert S. Bard, Vice-President, Honest Ballot Association; *Philadelphia*, Honorable Thomas Raeburn White; Mr. William C. Beyer, Director, Bureau of Municipal Research; Mr. Edward T. Paxton; and Miss Florence Fulton, Board of Registration Commissioners; *Baltimore*, Dr. Horace Flack, Director, Legislative Reference Department; Mr. Frank R. Kent, *Baltimore Sun*; and Mr. Harry Laib, Secretary, Election Commission; *Washington*, Professor Walter Shephard, Director, Robert Brookings School; Mr. Fred Telford, Bureau of Public Personnel Administration; Miss Helen Rocca, National League of Women Voters; Representative John M. Nelson; and Senator Robert M. LaFollette, Jr.; *Pittsburgh*, Colonel Charles C. McGovern, and Professor Martin L. Faust, University of Pittsburgh; *Cleveland*, Mr. Mayo Fesler, Director, Citizens' Association; *Cincinnati*, Miss Anne Marcus, Secretary, Election

Commissioners; and Professor S. Gale Lowrie, University of Cincinnati; *Detroit*, Dr. Lent D. Upson, Director, Bureau of Municipal Research; and Mr. Oakley E. Distin, Chief Supervisor of Election; *Chicago*, Judge Edmund K. Jarecki; Honorable Anthony Czarnecki, former Election Commissioner; Mr. Robert Taylor, Election Commission; Mr. Shelby Singleton, Secretary, Citizens' Association; and Mr. Harris Keeler, Secretary, Bureau of Public Efficiency; *Milwaukee*, Senator Schultz, Secretary, Election Commissioners; Mr. Walter H. Gaedke, Election Commission; and Mr. Leo Tiefenthaler, Secretary, City Club; *St. Louis*, Honorable George Eigel, Election Commissioner; and Honorable George H. Moore; *Kansas City*, Mr. Walter Matscheck, Director, Public Service Institute; and Mr. Robert C. Chambers, Chief Assistant, Election Commission; *Omaha*, Honorable Harley G. Moorehead, former Election Commissioner; Honorable William S. McHugh, Election Commissioner; Honorable Albert S. May, Assistant Election Commissioner; and Mr. Richard Kerr, Election Commission; *Portland (Oregon)*, Honorable Joseph W. Beveridge, County Clerk; Mr. C. C. Ludwig, Secretary, Tax Supervising Commission; and Mr. Gleason, County Clerk's Office; *San Francisco*, Honorable J. H. Zemansky, Registrar of Voters; Mr. Cameron King, Chief Deputy Registrar of Voters; and Honorable C. C. Young, Governor; and the following persons in various cities: Honorable Alexander Carlson, Election Commissioner, Syracuse, N. Y.; Honorable H. A. Nichols, Election Commissioner, Rochester, N. Y.; Mr. Charles Kettleborough, Legislative Reference Librarian, Indianapolis; Mr. Theo Berg, City Clerk, Lincoln, Neb.; Miss Etta Covell, City Clerk, Topeka, Kansas; Professor David Y. Thomas, University of Arkansas; Judge Ben Lindsay, Denver; and Honorable W. M. Kerr, Registrar of Voters, Los Angeles.

The author is particularly indebted to Mr. Walter Matscheck, Director, Kansas City Public Service Institute; Mr. C. A. Crosser, Director, Bureau of Municipal Research, Des Moines; Professor Harold F. Gosnell, University of Chicago; and Mr.



Frank L. Olson, now deceased, for reading the manuscript of this work and for their suggestions and criticisms. The author hastens to absolve them from any errors of fact or judgment, which are his alone. My colleague, Professor Allan F. Saunders, now of the University of Minnesota, has made many valuable suggestions for the improvement of the manuscript.

J. P. H.

MADISON, WISCONSIN  
*January, 1929.*

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# REGISTRATION OF VOTERS IN THE UNITED STATES

## CHAPTER I

### INTRODUCTION: THE PROBLEM OF REGISTRATION

Popular government rests upon the principle that the will, of the people shall prevail in respect to the conduct of public affairs. An essential feature of such a government is the provision of means through which this will may be formulated and authoritatively expressed. The only means open for this purpose is the organization of what is known as an electoral system, whereby the people, through a process of voting, may make known their will in respect to the policies to be adopted by their government and the persons who shall elaborate such policies and have charge of their execution. This system, in turn, requires a careful determination of those elements of the general population who shall enjoy the right of voting, or, as it is technically expressed, the electoral franchise, the taking of steps to ensure that those classes, and those classes only, shall participate in the voting, and the taking of further steps to ensure that the results of such voting will be accurately determined. It is manifest that to the extent to which these essentials are not met, popular government is not achieved, and, if not substantially met, may be little more than a sham.

An honest electoral system lies at the very basis of popular government. Without it popular government is polluted at its very source. The public morale is weakened if not destroyed. Citizens lose confidence in their governments. Corruption is invited. Officials look upon their offices as a means to promote their own selfish interests or those of their friends and political

associates by whose corrupt action they have been put into office. The general welfare is disregarded and the whole political life of the people degenerates into a struggle for the "spoils."

That this picture is not overdrawn, is evidenced by the conditions which have prevailed throughout the greater part of our political life as a nation. In few respects has there been a greater failure than in the manner in which this elementary requirement of good government has been met. Indifference, fraud, corruption and violence have marked the operation of our electoral system. Nor has this condition existed only sporadically or in a few particular localities. It has been a more or less permanent condition in all parts of the country. Every large city has contributed its chapter to the history of election crimes, and the rural sections have added to the story. No better proof of the serious consequences of election frauds can be found than the political conditions to-day in some of our large cities, where systematic and widespread frauds are still carried on and the polls dominated by violence and intrigue. The local government of these cities is honeycombed with corruption, incompetence, and spoils, and no longer enjoys the confidence of the citizens of the community. While there has been considerable improvement in the general tone of elections, taking the country as a whole, principally due to the passing of the open saloon and the enfranchisement of women, it would be a serious mistake to assume that election frauds have disappeared. They are still more widespread than is generally supposed, and in many communities constitute the backbone of the strength of the corrupt political machine.

In the past, and to a certain extent at the present time, responsibility for this condition is due, in part, to the general low tone of public morality and to specially unfavorable circumstances. The removal of property qualifications for the exercise of the franchise, the establishment of universal manhood suffrage, and the influx of immigrants from foreign countries have given votes to a large number of persons without political experience, education, or ideals. The extension of the list of offices to be filled

by election, the acceptance of the vicious principle that the spoils belong as of right to the victor, and the absence of adequate checks and safeguards within the government for the prevention of favoritism and fraud have operated to stimulate the development of organized political groups, having as their motive the winning of elections by any device in order to enjoy the rewards of victory.

After all, however, a large share of the responsibility for these conditions which have done so much to bring the whole political system of the United States into disrepute must be charged against the failure of those responsible for the conduct of public affairs to work out the technical problems involved in devising an electoral system that will render difficult, if not impossible, the perpetration of frauds. It is highly significant that little progress has been made in the technique of elections in this country. Probably no other phase of public administration is so badly managed. Our elections have been marked by irregularities, slipshod work, antiquated procedure, obsolete records, inaccuracies, and many varieties of downright fraud. In only a few cities is the administration of elections conducted with a modicum of efficiency. Even in these exceptional cities the local authorities are greatly hampered by statutory provisions which prescribe a cumbersome and expensive procedure. Conditions have arisen within the last ten years which demand that the entire process be overhauled. The enfranchisement of women has practically doubled the cost. The recent movement against non-voting has brought to light many features in the administration of elections which hamper the exercise of the suffrage. Recounts and investigations in various cities, large and small, have served to emphasize the mismanagement and corruption which generally prevail.

Several factors have contributed to the backwardness of election administration. Unquestionably the fact that the officers in charge are usually selected by the party organizations is a principal consideration. Too often the election office is the dumping ground for incompetents who could not be placed else-



where. In some cities it is the last resort of the spoilsman. Another factor is the absence of any effective state supervision over the local units. Until a few years ago, in many communities (and even at the present time in a few), the precinct election board was a law unto itself. Under such circumstances there could be no uniformity or development of orderly procedures. Substantial progress has been made by vesting certain powers of control in the hands of the city or county authorities, though too frequently this control has in fact been turned over to the party organizations. It would seem that some further centralization is essential. It should be noted here that the technique of election administration has not until recent years attracted the attention of political scientists and civic research agencies. A number of states, at one time or another, have created special commissions to revise the election laws, but these bodies have been forced to act without detailed and accurate information upon the problem, and little progress has resulted. Systematic research, involving field surveys, is necessary before the advancement of election administration can be secured.

One of the important technical problems of election administration is the determination of what persons are qualified to vote. In most communities this involves the preparation of a list of eligible voters prior to the day of election—ordinarily known as a registration list. The requirement that all voters shall be registered prior to the day of the election is one of the most important safeguards of the purity of the ballot box. It constitutes the very foundation upon which an honest election system must rest, and if properly administered, prevents many of the more serious frauds which have marked the conduct of elections in the past. It is to this fundamental problem that the present study is devoted.

**Development of Registration as a Means of Determining Those Qualified to Vote.** In the early days, when the bulk of the population lived in rural communities, when almost every voter was personally known to his neighbors, and when there was com-

paratively little movement of population from one locality to another, the problem of determining those who were entitled to vote in a given election district was comparatively simple. The doubtful cases could, for the most part, be handled at the time that attempt was made to cast the ballot. With the rise of large cities, the influx of new citizens through immigration, and the grater movement of population resulting from improved means of communication, these favorable conditions passed away. It became evident that, if elections were to be conducted in an orderly manner, if disputes giving occasion for disorder at the polls were to be avoided, and if there was to be assurance that only those entitled to vote were permitted to do so, steps must be taken in advance of an election to determine those entitled to vote. The means devised for securing such advanced determination was the establishment of the requirement that all voters should be registered prior to the election.

At the present time some form of registration is to be found in every state except Arkansas, Indiana, and Texas. Though a system of registration exists in all other states, it is by no means universally employed. In some states the registration laws apply only to cities of a certain population, and in others only to the larger cities and the more populous counties. Almost everywhere, moreover, the system is more elaborate for cities than for rural districts, the theory being that safeguards against impersonation, padding of the lists, and other frauds are not required in the rural districts to the same extent as in thickly settled areas. The tendency, however, is to extend the registration system with the result that it is probably only a matter of time until it will become universal.

**Election Frauds Which Registration Laws Are Designed to Prevent.** As a general rule, registration laws have followed the exposure of widespread election frauds, such as the voting of the graveyard, of persons who had moved away or died, of persons not qualified to vote, of fictitious names, sometimes from fictitious addresses, and the voting of "repeaters" under the

names of qualified electors. In order to have a full appreciation of the problem of registration, it is necessary to know something of the frauds which registration is designed to prevent. Before the enactment of registration laws, it was not unusual for armed men to appear at the polls and demand the right to vote. The judges of election did not dare to refuse them. After voting they quickly rode away, never to be seen again. Elections frequently turned into riots and shooting matches.<sup>1</sup> Under the simple registration systems which were enacted at first the colonization of voters was quite common. Hoodlums were rounded up and lodged for a night or so in various lodging houses and cheap hotels and then registered from all of them. On the day of the election, gangs of "repeaters" were hauled from precinct to precinct and voted under different names. Sometimes the same persons would vote several times at each precinct, changing coats or hats between times. The early registration lists were often padded with bogus names or the names of persons who had died or moved away, and these names were voted by "repeaters" on the day of election or were checked off and voted by the corrupt precinct election officers without the necessity of providing "repeaters." Before the enactment of the personal registration law for Philadelphia in 1906 it was a common saying that all of the signers of the Declaration of Independence were still regularly voted in that city.<sup>2</sup>

It should not be supposed that these frauds have disappeared with the enactment of more elaborate registration laws. Such is not the case. Many registration laws are fundamentally defective, while others actually encourage voting frauds. The problem of registration of voters is to-day as much concerned with the prevention of frauds as it ever was. Any weakening of the registration provisions, or the lack of a sound system would give

<sup>1</sup> Proceedings and Debates of the Constitutional Convention of Pennsylvania, 1837, III, 57 and following.

<sup>2</sup> Clinton, Rogers Woodruff, Election Methods and Reforms in Philadelphia, *Annals of the American Academy of Political and Social Science*, XXVII, 181-204 (March, 1901).

rise to election frauds in any populous community, sooner or later. One part of this survey of the working of existing registration systems throughout the country was to secure data on the kinds and extent of election frauds which would be prevented by a sound registration system. Detailed data for a few cities which has been brought out by recent systematic investigations or by contested elections, is contained in the Appendix. There will be presented here an analysis of the technique and the conditions under which voting frauds prevail.

In most cities it is difficult if not impossible to secure accurate and reliable information about the existence of voting frauds. They are always carried on under cover, and usually with complete legal protection. Hardly one case in a thousand ever transcends the level of rumor and hearsay. The election offices possess little or no information on voting frauds. They rarely conduct any sort of an investigation, and even when they do so, no records are ordinarily preserved. It is also of little avail to seek the facts in the records of judicial proceedings. There is no type of prosecution as difficult as that of election crimes. The evidence is fragmentary and transitory; the witnesses disappear or are bought off; and in most places where frauds are carried on, the prosecuting attorney is a part of the political machine which engages in the frauds, and will not prosecute.

Election officers and politically informed citizens are usually poorly informed about the prevalence of frauds within their own city. Unless there have been some recent sensational charges or prosecutions of frauds, they always assume that elections are honestly conducted. Many cities which now smugly congratulate themselves upon the purity of their elections would be disillusioned and shocked were the real situation brought to light by a thorough investigation. In 1923 an important registration officer in Philadelphia wrote:

There is so little fraud in the elections in Philadelphia to-day that even the opposing parties and factions of parties have difficulty in finding it. . . . The records of our courts show so few prosecutions for election frauds that I would hesitate to base

any "experience" on them. The only handicap to success in prosecution for frauds has been the paucity of opportunity for such prosecutions.'

In 1925 the Registration Commission of Philadelphia made intensive investigations in various sections of the city and found organized voting frauds upon a large scale. The statistics on registration and elections for Philadelphia in 1919 and 1920 indicate wholesale frauds at that time, showing that these frauds had been committed for years.<sup>1</sup> A few years ago the writer was told by numerous persons in Chicago that the city was relatively free from election frauds, yet recent investigations and prosecutions indicate that voting frauds have prevailed in many wards of the city. No city knows how much fraud goes on in its elections until after a thorough investigation.

In some cases the writer has found local election officers and citizens reluctant to tell of election and registration frauds, but usually a full and frank statement of the local situation has been secured without difficulty. One election officer of a large eastern city blandly recounted to the writer how he stole fifty votes in his own precinct at the preceding election; a prominent public officer in a western city told of voting six hundred "repeaters" in four wards of the downtown district; and a chief clerk of another city showed the election returns from precinct after precinct where it was obvious that no count at all had been made of the ballots cast. A political boss openly asserted that he had stolen many an election, while one election commissioner told how his life had been threatened and another commissioner told of refusing a cash offer of \$25,000 for access to the vault where the election returns were stored pending a recount.

Without question, most voting frauds are now to be found in cities, and usually in the larger cities. In rural sections and smaller cities and towns the voters are too well acquainted with one another to allow to go unchallenged the voting under the

<sup>1</sup> Letter to the author.

<sup>2</sup> See pages 334-36; 340-43.

name of a dead person, a person who had moved away, or fictitious names, except with the collusion of the precinct election officers. It would be a mistake, however, to assume that there are no voting frauds in rural sections. The writer was told of gross election frauds in the rural sections of many of the states visited.

There are a number of reasons why election frauds are usually found in the large cities, rather than in rural sections. The political spoils are greater. Usually the political machine of the large city is better organized and more professional than that of the smaller city or rural section, and is able to accord full legal protection to those who serve it. The voters are not acquainted with their neighbors, and the " repeater " incurs little danger of detection. In the large city there are slum and vice sections—always potential voting fraud centers, for a combination is usually formed between organized vice and the professional politician. In most large cities there are certain wards or sections of the city which are " deliverable " by the ward boss. These wards are to be found in the transient part of the city, and include the cheap rooming house and disreputable lodging house district, the slums, and the poorer foreign populations—particularly susceptible to political control—and the bootlegging and crime belt. The local politician, particularly the ward boss, is a powerful figure. It is in these sections that election frauds of all kinds are carried on, and politics becomes a lucrative profession. The graft, corruption, and protection of vice and crime in many cities can be traced directly to the influence exercised by the corrupt and unscrupulous politicians who control these wards. Election frauds may be carried on with impunity, for the political boss controls the entire election board in every precinct. The theory of bi-partisan representation breaks down, since the minority party regularly sells out to the dominant machine, or is a part of it.

In these wards are to be found many violators of the law: bottleggers, houses of vice, gambling joints, fences, saloons, and many persons whose means of a living takes them to the border

if not within the confines marked out by the penal code. Naturally these persons require protection for their illegal operations, and a working agreement is made between the politician and the criminal. The politician takes care of his constituents when they get into trouble, and frequently is able to arrange so that they will be let alone. On the day of an election he expects their support in return, and they are in a position to roll up the vote for him through fair means or foul.

Cheap hotels, lodging houses, and rooming house are particularly useful to the corrupt politician, since their capacity for registration purposes is well nigh unlimited. It is difficult to check up on the actual residence of persons registered from such places. The precinct politician makes an arrangement with the proprietor to take care of so many voters. If an investigation is made, practically all of these registrants are "out," and if the proprietor is pressed hard, he may admit that they are out of the city, but he will insist that they make their legal residence there and return from time to time.<sup>5</sup>

The padding of the registers, however, is not confined to cheap hotels and lodging houses. The investigations in Chicago and Philadelphia show that a large number of registrations are made from residences where the registrant is unknown to the householder, and where the precinct politician has made no effort to "fix" the householder to answer for these fictitious registrants. In other cases the investigators discovered that the householders had agreed to answer for the fictitious registrations and frequently said: "Yes, he lives here," to names which the investigator made up on the spur of the moment. A favorite trick of one investigator in Chicago was to ask, among other names, if William Hale Thompson lived there, and many times he was answered in the affirmative.

The technique of voting frauds has changed within recent years. Formerly they were organized on a city-wide scale, whereas, now they are ordinarily carried out by the political workers of the ward or the precinct. Politicians have come to

<sup>5</sup> See specific examples contained in Appendix 2.

realize the danger of exposure and blackmail, and where formerly the gruffer and more daring political boss would direct wholesale voting frauds, bringing in gangs of repeaters and thugs from the outside, now the more astute political boss contents himself with putting pressure upon the ward and precinct leaders to deliver the goods, and leaves it up to them to take whatever steps they may deem necessary. The corrupt political machine which uses frauds starts its operations on the day of registration, and most of the frauds are perpetrated because of the ineffectiveness of registration. It is the boast of the politician in the controlled wards that "you'll find the ballots in the box if you look," and so it turns out in nine contested election cases out of ten. The corrupt precinct politician sees to it during the registration that there will be a sufficient number of names on the precinct registers to take care of any emergency which may arise.

There are various ways of padding the registration lists. Organized squads may be sent from precinct to precinct to register. By the use of automobiles each squad can cover forty to fifty precincts in a single day. The practice in Chicago has been described as follows:

With the aid of automobiles carrying five or six to the car, ten of Chicago's fifty wards can and will be covered in four or five hours time by 200 "stingers" on registration day—each of them appearing at identically numbered precinct polling places—two to the ward. A key name is given on a card opposite the precinct number to each repeater so that in each polling place where he appears a different name is recorded for the same man.\*

Usually, however, the padding is done without this trouble. The entire precinct registration board is frequently controlled by a single precinct politician, who may have the members enter fictitious names or the names of persons who have long since moved away or died. This is frequently done by one or two

\* *Chicago Daily News*, February 17, 1926.



members of the board in the absence of the others. Sometimes it is done by the precinct politician himself, who takes the registers home with him at the close of the registration. However it may be done, the results of the investigations conducted in Chicago and Philadelphia show conclusively that there is a large amount of padding of the registers in the politically controlled precincts. Persons are registered from fictitious addresses, vacant lots, school houses, and from residences where they are unknown to the actual residents.'

The registration lists may be padded by the failure of the precinct officers to purge the registration, particularly for elections which occur six months or more after the lists were originally compiled. In the transient sections of the city, which are usually machine controlled, the registration lists contain a great deal of dead weight within even a few weeks after they are made up. Usually registrations are started before the general fall elections, which attract most attention, but which for the political machine are not as important as the primaries of the following year, or the local elections. By the time these elections take place the registration books in the transient sections are clogged with the names of persons who have moved out of the precinct.

With the registration books padded with fictitious names or the names of persons who have moved away or died, the job of the corrupt precinct captain is to vote these names. In days gone by this was done by a gang of "repeaters" who were taken from precinct to precinct. Several older residents of Wyoming related to the writer how formerly it was the custom for an election train to be run on the day of election, carrying a load of section hands and others from town to town, to be voted in as many towns as could be covered in a single day. In a contested election case in Colorado in 1904 one witness testified under oath that he voted 125 times in the city of Denver, and then quit work because the organization cut the price from

' See Appendix 2.

one dollar to fifty cents. The old system has been graphically described by a former Superintendent of Elections of New York:

It is a well established fact that gangs of repeaters are led to New York City in bands of twenty-five to thirty, and are placed in Raines' Law and other hotels and lodging houses, the night prior to the election. They are then taken by their leaders in the morning, about four o'clock, to certain restaurants in the districts in which they are to repeat, and after breakfast, their leader details them into teams of five, and takes them to some saloon or other convenient place or perhaps indeed on the corner, and introduces them to a man who has got a list. They never saw that man before, nor do they know anything about him. He gives them a slip and tells them to vote the name mentioned on the slip. A representative of the man who handles the slips follows the repeaters to see that they deliver the vote and then the repeaters return, and they are taken into a saloon, treated and paid their one or two dollars for their vote, and so on they continue, and when they are through in the election district, invariably they are taken to another assembly district for the same purpose. The registration is generally done by men who live in the city, such as pool-room men, gamblers, ex-convicts, pimps, and also waiters in dives and other disreputable places; also people in lodging houses are taken from one district to another during the day, and they give fictitious names, and are registered. The gangs that are brought on from the cities mentioned are men who have been in this occupation for years, and are known as professional repeaters, panhandlers, guerrillas and strong-arm men; they take all the risks, and the men who handle the slips, who are connected with political organizations, captains and so forth, assume no risks whatever, as in the event of any member of the gang being arrested and attempting to turn state's evidence, he would be utterly unable to identify the man who gave him the slip.\*

While repeating is still used, other ways have been found to be more effective and less dangerous. In cities which still

\* Superintendent John McCullagh. The quotation is from an unpublished report by Honorable William H. Wadhams, "The Work of the Office of State Superintendent of Elections" (1910). Typewritten copy in the library of the National Institute of Public Administration, New York City.

have voting frauds it is nearly the unanimous opinion of competent observers that frauds are usually committed by the precinct officers themselves. Repeaters are dispensed with because the precinct officers merely write in the names of voters known to have died or moved away, and cast the ballots for them. This is sometimes done before or after the close of the polls, and sometimes during the day itself. In Chicago the Citizens' Association has at times posted men outside of polling places to count the number of persons going in, with the result at the close of the day that the poll books indicated a much larger number of persons had voted than had actually appeared at the polls. In stuffing the ballot box it is the common practice for the precinct election officers toward the end of the day of election to enter into the poll book the names of all persons who have not voted up until that time, and put ballots into the box for them. In no other way can the practice of having 100 per cent of the registered voters cast their ballot in transient precincts be accounted for. In many cities it has been the practice in the past for many precincts to vote almost every registered voter. Sometimes the poll list, being arranged in alphabetical or street order (it is supposed to be a list of voters in the order in which they appear), shows upon its face that frauds have been committed by the precinct officers.

These frauds have been committed not because of the absence of a registration system, but rather because the prevailing type is ineffective. They serve to emphasize the necessity for a revision of our registration laws, and also to mark out the abuses which must be overcome. The existence of a defective registration, with inaccurate or padded lists, constitutes no protection against frauds. On the contrary, such a registration is an open invitation to fraud. In order to have an effective registration, it is necessary that the lists be compiled in such a manner as to safeguard against fictitious registrations, and be purged constantly in a systematic and thorough manner. The purging of the registers cannot be left to the hit or miss knowledge and personal acquaintance of the precinct officers, who may be under

the control of an unscrupulous precinct captain. Official investigations made by responsible persons are necessary where fraud is suspected.

A phase of registration which is often lost sight of is the use of the lists at the polls to identify the voter. A positive identification of every voter at the polls as being the person who registered under the same name makes voting frauds practically impossible. To a certain extent, every registration system recognizes the problem of identification, but the means ordinarily used are worthless. A personal description of each voter will not be used by the election officers in the bustle at the polls, and is of little value. The signature, which may be recorded on the registration record and also required of the voter at the polls, constitutes a positive identification of every voter as a routine. This system is used in a number of states and has proved to be highly effective.

While the prevention of voting frauds is the primary consideration in the registration of voters, two other considerations are of almost equal importance; namely, convenience to the mass of voters and economical operation. Many of the prevailing systems require the voter to register anew each year, or every two or four years—as well as each time he changes his residence. Not only this, but often there are only a few days in the entire year in which he may attend to the matter, and these days may pass overlooked. The serious inconvenience of the usual registration system is indicated by the fact (often stated to the writer) that the political organizations spend as much money in getting the voters registered as in getting them out to vote on the day of the election. Many voters, particularly independent voters, may find themselves unregistered when the day of election approaches, and it is too late to register. The most practicable step to reduce non-voting is to provide a registration system under which a maximum number of eligible electors are registered at all times, and with a minimum bother to the individual electors. It has been proposed by some persons that the voter should be relieved of all responsibility and trouble of regis-

tering, and the duty placed definitely upon the state to make up a complete and accurate list of all qualified electors." Systems of this kind are to be found in other countries, and in some rural sections and small cities in this country the registration officers are required to prepare from their own knowledge and acquaintance a registration list of all eligible voters of the precinct. This method is practicable in foreign countries where a close check up is kept of the comings and goings of individuals, but in this country it has always resulted in inflated and highly inaccurate lists. On the whole, it would seem wise to place the responsibility upon the voter himself and to require a personal registration, but our systems require a revision in order to be made more convenient.

The most striking finding of this study of registration practice throughout the country was the wide variation in the cost from one city to another. In many of our large cities the cost ranges from fifty cents to a dollar per registered voter annually, while the cost in cities with permanent registration approximates only about ten cents per registered voter annually. Many of the poorest systems, systems ineffective in preventing frauds, cumbersome and inconvenient to the voter, cost the most, while the least expensive systems are generally the best all around. Periodic registrations, conducted in each precinct by an army of precinct officers, with an entirely new registration every year or so, upon obsolete records and with cumbersome procedures, are not only unnecessarily expensive, but often defeat the very end of a sound registration law.

**Recent Movement for Permanent Registration.** Within recent years a movement has been started in many states for the adoption of a permanent registration of voters. Registration reform has come to be associated definitely with the idea of permanent registration, and fortunately so. Under this system the voter remains registered for as long as he continues to reside at the same address, and, in many cities, for as long as he continues

\* Particularly Mr. W. S. U'Ren of Portland, Oregon.

to reside within the city. Instead of the usual bulky bound volume register for each precinct, the registration records consist of cards or loose-leaf forms. No new general registrations are conducted, but the records are kept corrected from time to time by the use of systematic, routine information, and, as nearly as possible, the lists are kept up to date at all times. The theory of periodic registration is that it is necessary to wipe the slate clean every year or so, and to start the registration lists all over again, or otherwise they will become clogged with the names of persons who have died or moved away. Those who oppose permanent registration usually assert that it would lead to inflated lists and consequently bring about voting frauds.

Such has not been the experience of cities where permanent registration is in use. Boston has had such a system for over thirty years; Milwaukee and Omaha for more than fifteen years; Denver and Portland (Oregon) for ten years; and Minneapolis and St. Paul for five years. Permanent registration has worked successfully in these large cities and in many smaller ones. The practical experience has been that by a thorough purging of the registers and systematic investigations, the lists are cleaner than those of other large cities. It is highly significant that in these cities election frauds have practically disappeared, while in other cities with periodic registration frauds are still present.

Permanent registration has been successful because of the fact that it is possible to purge the lists thoroughly and to keep them up to date at all times. This work is not entrusted to the precinct election officers, but instead is done by responsible clerks in the central office, and is based upon reliable information, such as death reports, the transfer of registration, and a careful house-to-house check.

Under permanent registration the precinct sessions for the taking of registrations are done away with. After the original registration has been completed there are relatively few voters to be registered prior to any succeeding election. The central office of the city or county is open to take registrations throughout

the year, with deputy registration officers for rural sections and outside branch offices during the rush period in large cities.

The merits of permanent registration are obvious. It reduces the bother to the voter to a minimum, since many voters are required to register only once during a life time. In many cities the registration office transfers the registration of voters who change their residence within the city without any bother on the part of the voter, the transfer being made upon the basis of reliable information, such as gas and electric "removals," or a house-to-house check. Permanent registration unquestionably results in a maximum number of eligible voters being registered at all times. The cost is ordinarily from one-half to one-tenth of that of periodic registration. The heavy expense of new general registrations is avoided. If sound methods are used to purge the registers under a permanent system, the voter identified at the polls, and investigations made when necessary, there need be no fear concerning its effectiveness.

Information about the practical working of permanent registration systems in the above mentioned cities has spread throughout the country, and movements are now on foot in practically every state which does not already have permanent registration to adopt the system. Four states adopted permanent laws in 1923 and 1925,<sup>10</sup> and New Jersey enacted such a law for cities of over fifteen thousand population in 1926.<sup>11</sup> At the 1927 sessions of the state legislatures, bills providing for permanent registration were introduced in Pennsylvania, Ohio, Wisconsin, Iowa, Missouri, California, and Washington. They were passed in Ohio, Wisconsin, Iowa, and Washington, but were vetoed for one reason or another in Ohio and Washington. The Association of Election Commissioners of the State of New York created a special committee in 1927 to work for such a law, and a bill was introduced in the 1928 legislative session to provide a special commission to study the problem,

<sup>10</sup> Delaware, Idaho, Indiana, and Kentucky; though Indiana later repealed its defective law in 1927.

<sup>11</sup> Session Laws, Ch. 328.

but was lost in the closing rush. The National League of Women Voters placed permanent registration upon its legislative program in 1928, and a number of the state chapters, particularly those of Indiana, Ohio, and Michigan, are actively working for such a law. The Wisconsin League of Women Voters sponsored the permanent registration bill which was passed in that state in 1927. The Philadelphia Bureau of Municipal Research, the Kansas City Public Service Institute, and other civic organizations in various cities are behind the movement for the adoption of permanent registration. It has come to be generally accepted as the ideal type, and it is only a matter of time when it will obtain throughout the country."

**Analysis of the Registration Problem.** While permanent registration is the most practicable step in the direction of registration improvement, it should be emphasized that an unsound permanent system is more dangerous than an unsound periodic system. Permanent registration is fundamentally different in many respects from periodic registration, and cannot be grafted upon existing periodic systems without serious consequences. An unsound permanent registration law in Louisville has already led to serious frauds." Several states have recently adopted unsound systems which will have to be abandoned or revised sooner or later. A sound law requires careful attention to many technical details. It is the purpose of this study to analyze technical details in the light of the practical working of registration systems of all types throughout the country, and to present the essentials of sound practice. Some of the principal problems involved are:

" In 1929 permanent registration bills were introduced in Pennsylvania, Ohio, Indiana, Michigan, Missouri, California, and Washington. They were enacted into law in Ohio and Michigan; were vetoed in Indiana and Washington; and were defeated in the other states. See articles by the author: Permanent registration of voters, *American Political Science Review*, XXII, 349-53 (May, 1928); The progress of permanent registration of voters, *ibid.*, XXIII (August, 1929).

" See Appendix 2.



1. The political authority, the state, county, city, or other division that shall have the responsibility for the establishment and operation of the system.
2. If this responsibility is vested in the political subdivisions of the state, the character of control, if any, that should be exercised by the state over the creation and operation of the system.
3. Whether use shall be made of the officers and machinery for the conduct of the elections proper, or the work of registration be entrusted to special officers.
4. If use is made of special officers, their character, method of selection, etc.
5. The extent to which the law providing for the system shall attempt to specify in detail the procedure, or leave such specification to the registration officers or other authorities.
6. The means to be employed by registration officers in determining electoral qualifications, the conclusiveness of their determinations, or the right of persons denied registration to appeal.
7. The requirement that each elector shall apply in person to be registered, or the authorization of registration officers to prepare a registry list of all persons whom they know to be qualified without personal application.
8. The requirement of a new registration of voters periodically, or the use of permanent registration.
9. The type of records to be used, and the information to be included for each voter.
10. The place for the taking of registrations: at a central office, at branch offices, or in each precinct.
11. The time during which registrations shall be taken.
12. The extent to which registration lists shall be used for the elections of different political divisions, such as the city, county, state, and school districts.
13. The methods for keeping the registration lists corrected at all times.
14. The transfer procedure to take care of voters who change their residence.
15. The identification of the voter at the polls.

## CHAPTER II

### SUMMARY OF FINDINGS AND SPECIFICATIONS FOR A MODEL REGISTRATION SYSTEM

**Defects of Existing Systems.** The registration systems now generally in use are seriously defective. They are out of date, unnecessarily expensive, inconvenient to the voter, cumbersome in operation, and often break down under the strain of a hotly contested election. Some systems actually facilitate rather than prevent or deter voting frauds. Fortunately, there are a number of large cities, particularly Boston, Milwaukee, Omaha, Minneapolis and St. Paul, Portland (Oregon), San Francisco, and Los Angeles, which have sound systems or systems with some admirable features. There are substantial improvements, however, which could be made even in those cities. For the most of the rest of the country, the existing registration laws should be repealed, and an entirely new system, based upon the best features of various cities and states, should be adopted.

The registration systems of this country are, for the most part, based upon a totally wrong conception; namely, that it is necessary to prepare a new registration list every year or so. In many states the voter is required to register anew every year, or every two or four years, in addition to having to register when he changes his residence. This places an unnecessary burden upon him, and deters voting. It also makes the registration process very expensive. In many states there are only a few days during the year on which one may register. Surely, there can be no justification for such a system. It would seem that some registration laws were especially devised to make it as difficult as possible for the elector to cast his ballot. The convenience of the voter is best served by a system of permanent registration, under which he need register but once as long as he continues to reside within the same city or county. This type

of registration is now in successful use in many states, including a number of our large cities. It is based upon the principle that it is possible to keep the list of voters corrected from time to time, thereby avoiding the necessity for recurring general registrations. Permanent registration is essentially sound, and should be universally adopted, but it requires adequate means for purging the registers periodically, proper records and procedure, and a higher type of personnel than some of our election offices now have. It cannot be grafted upon existing obsolete systems without disastrous results.

That the present cost of registration in most cities is excessive, is indicated very strikingly by a comparison of the cost in various large cities. The annual cost is usually between fifty cents and one dollar per registered voter, though in Milwaukee it is only 13.7 cents, and in some cities even less. The annual cost should not exceed twenty cents per voter, even in the largest cities, and in the small cities and rural sections it should not exceed ten cents. The difference is due principally to the fact that a house-to-house investigation is unnecessary in the latter. If the cost of registration is greater than this, the law should be amended or revised to reduce it. When one stops to consider the work involved, it is apparent that an annual cost of from fifty cents to one dollar for each registered voter is excessive. In some of our cities the cost of registering voters prior to certain elections has run as high as ten dollars per person. This is a pure waste of public funds.

Registration systems are designed to prevent voting frauds, yet many of them afford little protection in the face of a bitter contest. The test of a registration system does not come in the ordinary election, but rather in the unusual election when the contest is close and the stakes are large. Then most of the existing systems break down in the wards controlled by a corrupt political machine. In some of our large cities voting frauds are committed in practically every election; in only a few states and large cities are frauds practically absent in all elections. Even in rural sections and in small cities and villages, where

it is commonly supposed that there are no election frauds, elections are sometimes stolen.

The administration of registrations and elections is usually placed in the hands of a bi-partisan organization, directly controlled by the political machines. This has worked very unsatisfactorily. As a result, the election office has often become the dumping ground for incompetents who cannot be placed elsewhere. In many places the most bitter partisans are placed in charge—the very persons who would profit by election frauds. It is little wonder that frauds are still prevalent under such circumstances. The domination of the administration by spoils politics is in part an outgrowth of the bi-partisan tradition. Where this tradition has been discarded, responsible and competent persons are appointed without regard to partisan affiliation or recommendations by political machines. There is no need for bi-partisanship in any phase of registration. The most fundamental reform in the administration of elections and registrations is to take it out of spoils politics. In many places, however, political control and the bi-partisan tradition have become firmly entrenched, and will be difficult to overthrow. There are several practical steps which may be taken. The first is the use of a single election commissioner in the place of the usual bi-partisan board. For cities or counties of less than two hundred thousand population, however, the work of registrations and elections should be entrusted to one of the regular city or county officers, for it is not great enough to justify the creation of a separate office. The office employees should be placed under the civil service of the city, where such exists, and in the competitive class. All bi-partisan requirements should be repealed, and the officer in charge made directly responsible for the administration.

The lack of any appreciable central supervision over the conduct of registrations and elections is one of the outstanding characteristics of the existing organization. The state legislatures vainly attempt to secure sound and uniform administration through detailed statutory provisions. Better results could be secured by authorizing some officer, preferably the secretary of

state, to issue instructions and regulations covering the various details. Central administrative supervision in the place of legislative enactments would go far toward improving and toning up the conduct of elections and registrations.

The registration records now generally in use are obsolete, cumbersome, and ill suited for registration. The prevailing type is the large bound volume, in which the record of each registrant is written upon a single line. The record must be copied in long-hand into the three or four separate registers of the precinct. This type of record cannot be used with permanent registration, for there is no physical way of transferring the record from one precinct to another, without copying it over and losing the signature. Another disadvantage is that the registers soon become clogged with the names of persons who have died or moved away. For a permanent registration record, some form of individual record for each voter is essential. It may be either a loose-leaf page or a card, but it should be filed in visible equipment to facilitate clerical work.

The usual registration procedure is likewise fundamentally defective. The formal precinct sessions upon a few days during each year, conducted by a board of precinct officers, are expensive, inconvenient to the voter, marked by poor clerical work, and are conducive to voting frauds. Central registration throughout the year, supplemented by registration outside of the central office in the large cities and for rural sections, is a great improvement.

The most important part of any registration system is the provision for investigating and correcting the lists of voters. This is particularly true of a permanent system, but is also true of periodic systems. Investigations must be made to prevent padding the registers with fictitious names, as well as to remove the names of persons who have died or moved away since registering. Many of the existing registration laws are based upon the assumption that it is enough to provide an official registration list, and that the political parties and private citizens will see to it that corrections are made. This is essentially wrong. No reliance can be placed upon the party machines to purge the

## A MODEL SYSTEM

list, or upon the independent citizen, though provision should be made whereby any citizen may challenge registrations. The law must provide for an official correction or purging, which should be done by responsible officers, upon reliable, routine information, and not upon the personal knowledge of precinct officers. The amount of pains which should be taken to purge the registers depends upon the danger of voting frauds. In small cities and rural sections, where the danger is slight, it is sufficient to provide that the registration officer shall make use of the official death reports, transfer those who change their residence, and cancel the registration of persons who fail to vote within a two-year period. The latter provision will automatically clean the lists every two years.

In the large cities, especially where there is an appreciable danger of frauds, it is necessary to have a house-to-house check up or canvass before important elections. This should be done by responsible officers. It is of no value otherwise. The Boston police census of all adults, the Milwaukee police canvass of registered voters, and also the Omaha canvass by responsible inspectors, work well. One of these methods, depending upon which is better suitable to the local situation, should be followed in the large city.

Every voter should be identified at the polls before he is permitted to vote. In rural sections and small cities this can be done by the precinct officers, without any particular systems or formality, for they are personally acquainted with the voters. In large cities, however, this is not true, and some method which will positively identify every voter is required. The prevailing method of identification consists of a personal identification of the voter, which is recorded on the registration record, and supposedly used at the polls. Since the precinct officers at the election do not have the time or the inclination to check up on every voter, in actual practice the personal description is used only in case of a challenge. The challengers have little or no way of detecting suspicious cases, and consequently the personal description is of small value. The best identification is the signature of the voter, which may be compared with the signa-

ture on the registration record. The signature should be included in every registration record. It is easily used at the polls; it is positive; it may be applied to every voter (except a very few who are unable to sign), and it may be used by watchers to detect suspicious cases. There is no other single feature of registration systems which is as effective in preventing voting frauds. In large cities the election officers should be required to compare the signature of every voter with that on file in the registration record. In small cities and rural sections this is not necessary, but it is advisable to require the voter to sign when he votes, as a safeguard against frauds.

Enough has been said to indicate the great need for a thoroughgoing revision of our registration systems. The principal defects have been pointed out and recommendations made for improvement. This study has been carried out with the hope that it would prove to be of some practical value in promoting sound registration throughout the country. It is deemed advisable at this point to set forth in detail what the writer regards as the essential features of a sound registration system. The following specifications are reprinted, with a few minor changes, by permission of the editor of the *National Municipal Review* from the report of the Committee on Election Administration of the National Municipal League on "A Model Registration System."<sup>1</sup>

These specifications bring together the results of this study in a very concrete way, coupled with the mature judgment and wide experience of the members of the committee. Registration

<sup>1</sup> Published as a Supplement to the *National Municipal Review*, January, 1927. The personnel of the committee is as follows:

Charles E. Merriam, University of Chicago, Chairman; Joseph P. Harris, University of Wisconsin, Secretary; Albert S. Bard, Vice President, Honest Ballot Association, New York; W. W. Connor, State Senator, Seattle; Oakley E. Distin, Chief Supervisor of Elections, Detroit; Mayo Fealer, Director, Cleveland Citizens' League; W. P. Lovett, Secretary, Detroit Citizens' League; Walter Matscheck, Director, Kansas City Public Service Institute; Harley G. Moorhead, Former Election Commissioner of Omaha; H. A. Nichols, Election Commissioner, Rochester, New York; F. L. Olson, Assistant Director, Bureau of Municipal Research, Pittsburgh (deceased); Helen M. Rocca, Secretary, National League of Women Voters; George C. Sikes, Chicago (deceased); Thomas R. White, Chairman, Philadelphia Committee of Seventy; and J. H. Zemansky, Registrar of Voters, San Francisco.

bills patterned after this report have already been passed in Wisconsin, Iowa, Ohio, Kentucky, and Washington, though they were vetoed in the last three states.<sup>1</sup> Similar registration bills failed to pass at the 1927 legislative session in Pennsylvania, Missouri, and California. The writer feels heavily indebted to the members of the committee for their criticisms and suggestions of the specifications as originally prepared.

It is not proposed that these specifications should be adopted *in toto* for any city or state. It is no more possible to draw up an ideal registration law for all states than it would be to prepare an ideal city plan for all cities. Certain modifications are necessary to make the registration system fit into the election law and the political situation of the state. Nevertheless, it is believed advisable to make specific recommendations. The specifications should not be considered alone, but rather in conjunction with the detailed treatment of the subject matter in the following chapters.

**Specifications for a Model System.** The subject matter contained in the following specifications has been divided into the following principal divisions:

- Application of Registration Laws
- Character
- Frequency of New Registrations
- Officers
- Records
- Procedure
- Correction and Investigation
- Transfers
- Identification of the Voter at the Polls
- Miscellaneous Provisions

In the main, the recommendations are contained in the specifications, which are explained and defended in the comment, but in a number of instances it has not been possible to follow this

<sup>1</sup>Permanent registration bills based upon this report were enacted into law in 1929 in Ohio and Michigan. Similar bills were vetoed in Indiana and Washington, and failed to pass in Pennsylvania, Missouri, and California.



arrangement. Some of the comments contain alternative proposals, qualifications, and exceptions to the general rule and suggestions in regard to the administration of registration.

#### APPLICATION OF REGISTRATION LAWS

Specification 1.—Registration to be required throughout the state

It is generally supposed that registration is not necessary in rural communities where practically every voter is personally known throughout the precinct, but it has been found, as a result of the absence of any registration system, or a weak system, that some of the worst cases of voting frauds appear occasionally in rural sections. The danger is not sufficient to justify an expensive and inconvenient system of registration, but if an economical and convenient system can be secured, which will safeguard against the possibility of voting frauds, it is worth while to provide for registration. The states of Oregon, Montana, and Nevada have developed a system of registration which is inexpensive, effective in preventing fraud in rural sections, and involves only a minimum of trouble to the voter. The system herein specified, with the variations suggested for rural communities, follows, in the main, the system used in those states.

Specification 2.—One system of registration to apply to all elections

In a few states registration is not required for primaries, or other so-called minor elections, though it is required at the general election. This is a serious mistake, for most voting frauds are committed in the primaries, and municipal elections require the same safeguards as county and state elections. The same is true of special elections, which are sometimes the scene of bitter struggles.

Other states make the mistake of setting up two different systems of registration, usually one applying to municipal elections and the other to county and state elections. This practice involves duplicate offices and duplicate records, and sometimes doubles the cost. It also makes it necessary for the voter to

register under both systems and doubles the inconvenience. There is no reason why one system of registration may not be applied alike to all elections, for the qualifications for voting, with rare exceptions, are the same for all.

#### CHARACTER OF THE REQUIREMENT OF REGISTRATION

Specification.—Registration to be compulsory for all elections, with no provision for swearing in voters at the polls or for special appeals after the close of registration

The value of registration is largely lost if some provision is made whereby the unregistered voter may swear in his vote at the polls, when there is no time or opportunity to investigate the case. Provisions of this kind frequently break down in critical elections, especially in the machine-controlled precincts where there is danger of fraud. Eleventh-hour special appeals for registration, when it is too late for investigations to be made, also work badly. These provisions may be necessary or can be defended under registration systems which provide only a few days for registration, for *bona fide* voters may be away during those particular days, but under a system of permanent registration conducted throughout the year, where the voter is normally required to register only once, little defense can be made.

In a few states the problem has been made difficult by judicial decisions holding compulsory prior registration unconstitutional. Where it is not feasible to secure a constitutional amendment, the next best alternative is to provide very strict requirements for the swearing in of voters at the polls.

#### FREQUENCY OF NEW REGISTRATIONS

Specification.—Registration to be permanent, which means that the registration of any voter is continued so long as he resides at the registered address, with provision also whereby any voter who moves within the city or county may transfer his registration to the new address

Permanent registration is the central idea of practically all movements for improvement at the present time. It affords the

voter a minimum of trouble in connection with registration; it greatly reduces the cost; and in practical operation it has been found that permanent registration can be made as effective in preventing voting frauds as any other type, even in such large cities as Boston, Milwaukee, Minneapolis, and St. Paul.

The leading objection raised against permanent registration is that it would lead to the perpetuation of dead weight upon the registers and voting frauds. The large cities which now have permanent registration have devised adequate safeguards against this danger, and it is significant that fraudulent voting is almost unknown in these cities, while a number of cities with annual, biennial, or quadrennial registration are still cursed with voting frauds.

In permanent registration a large part of the total expense is spent in investigation, correction, and purging of the registration lists, while in periodic registration only a nominal amount is spent for these purposes, the bulk going to pay the salary of the army of precinct officers, who are usually recruited by the party machines. In permanent registration the money is used to prevent fraud, but in periodic registration it is usually used to build up the strength of the machine.

Permanent registration is entirely feasible and practicable, but it is necessary to have a sound system. It is not enough merely to graft permanence upon existing types of registration systems. The whole system—the records, organization, procedure, and methods of purging the list of dead weight—must be revised.

#### REGISTRATION OFFICERS

The organization for the administration of registration is one of the most difficult problems encountered in setting up the specifications for a model system. As a practical matter it is difficult to alter the existing organization. Since the same organization is ordinarily used for elections as well as registration, it should not be modified to suit registration purposes without a consideration of the effect upon election administration. Another difficulty encountered is the variation from state to state in the

history, traditions, political relations, and other matters touching upon the problem of organization. It is advisable for the problem to be considered in the light of the political experience and organization of the state, and considerable variation is necessary.

A very practical consideration in proposing modifications of the existing election machinery along with a new registration system is the danger that the two issues will be confused and the improvement of the registration system be defeated. The cause of registration improvement should not be sacrificed in an attempt to modify the organization.

The following specifications are, therefore, subject to modifications to meet the needs of the individual city or state.

Specification 1.—The administration of registration to be centralized in a single office

In a number of states at the present time the administration of elections and registration is divided between a number of different offices of the county or city, or both. This results in a division of responsibility and increased cost. The better practice is to place the entire matter in the hands of a single office, which can be held responsible for honest and efficient administration.

Specification 2.—A special office to have charge of elections and registrations in cities or counties of over three hundred thousand population

The amount of work incident to registration and elections in less populous cities and counties does not justify the expense of creating a special office to do the work. The work of elections and registrations is seasonal in character, and except for the larger cities and most populous counties, may be performed better under the direction of the city or county clerk. This permits much of the work to be done by the regular force of the office, without the necessity for maintenance of a special force of clerical employees for election purposes.

An objection which is sometimes raised against vesting the administration of elections and registrations in the hands of

the city clerk or county clerk is that these officers are themselves elected by the people, and thus have charge of their own election. This makes little if any difference in actual practice. Definite responsibility is a better safeguard to honesty in elections than divided responsibility in a bi-partisan board, which is usually machine controlled. If a single commissioner can be provided instead of a board, it is probably wise to create a special office for cities and counties of less population, say over one hundred and fifty thousand.

Specification 3.—The following optional specifications for the organization of the special election office in counties and cities of more than three hundred thousand population are suggested:

- A single election commissioner, appointed either by the governor or the mayor, for a term of four years, and at a full time salary, or,
- An election commission of two members, appointed by the governor or mayor, for a term of four years, with the requirement of bi-partisan representation, and paid only a nominal salary.<sup>1</sup>

The practice of having a single commissioner of elections has worked out very successfully where it has been tried, namely, Rochester and Omaha. Since the work of elections and registration is almost purely administrative, there would seem to be little need for a board, except as a means to secure bi-partisan representation. In some jurisdictions where the party organizations are evenly divided, bi-partisan representation upon an election board may be essential, but in other places where one

<sup>1</sup> Note to committee draft:

“Mr. George C. Sikes requests to be recorded in opposition to appointment of local election boards by the governor. Mr. H. A. Nichols dissents, believing that appointment should be made by a board of judicial officers as a means of removing the office from political control. Mr. Oakley E. Distin believes that the most desirable arrangement for large cities is found in Detroit, where the city clerk, president of the common council, and the judge of the recorder’s court constitute the election board.”

party dominates, bi-partisan representation is apt to be more nominal than real. A single election commissioner produces a more vigorous and efficient administration, provides direct responsibility, and usually regards the rights of all political parties and factions more scrupulously than bi-partisan board, which may be controlled by the dominant party.

The principle of bi-partisanship has broken down everywhere. It would seem that in election matters there is especial need for non-partisan administration, but the logical outcome of bi-partisanship is that the bitterest partisans, frequently workers of the party machines, are called upon to conduct the registrations and elections. This one factor probably has much to do with the existence of frauds in elections.

If it is deemed necessary to have a board, it should direct the general policies of the election office only and leave the routine handling of administrative matters to a secretary. The members should be paid only a small salary to prevent the positions from being political plums, and should be required to devote only a small amount of time to their official duties. Probably the worst organization for an election office is to have four or five highly paid, full-time election commissioners. This organization leads to inefficiency and wranglings in the office, and the desirable type of citizen cannot be secured to serve on the board.

Specification 4.—The office force to be selected without regard to party affiliation or nominations by party organizations, and placed under the civil service system of the city or county, if such exists

The greatest drawback to the efficient administration of election offices is that they are usually made the dumping ground of incompetent political "heelers" who cannot be placed elsewhere. In many cities and counties the election board has little if any control over its own employees, who are selected, promoted, or fired by the party machines. Such a condition is destructive of morale and loyalty, and frequently makes the election office the most inefficient of all public offices. Persons of no clerical

ability and of questionable integrity are placed on the office force by the party machines. The pace of the office necessarily becomes the snail's pace.

The first step to do away with this condition is to repeal any provision in the state election law requiring the office employees to be divided between the two major political parties. This alone, however, will not go far enough. Provisions for appointment upon the recommendation of party organizations should likewise be abolished, though this practice is frequently due to custom instead of law. The most practical step in the matter is to place the office employees under a civil service system, if such exists, and the statute on this point should place them specifically in the competitive class. Where there is no civil service system, the only alternative is to vest complete power over the matter with the election commission, and to hold it responsible.

The election office in most cities and counties makes considerable use of temporary employees, and the problem of recruitment and training of these is difficult. Where they are selected by the party machines they are uniformly of poor quality, but in some cities where the commissioner or the board selects the extra employees without reference to party affiliation and without attention to recommendations of party politicians, it is found that persons of competent clerical ability can be secured. The problem, again, is to divorce the office employees from politics, a problem which is difficult to solve by statutory enactments. The fundamental step is to divorce the election board or chief election officer from domination by party machines, and the problem of office employees, particularly the temporary employees, will take care of itself.

**Specification 5.**—No use to be made of precinct election officers in the conduct of registration

Precinct sessions are not needed under permanent registration, for the number of persons to be registered prior to any election is small, and they may be handled by the central office

(plus branch offices in large cities) at a much less expense and with little if any more inconvenience to the voter.

The stoppage of the use of precinct officers to conduct registration eliminates the principal personnel problem, as far as registration is concerned. No change in the present organization of precinct election officers is proposed here, except that they are not to be used for registration. The clerical work would be handled by the regular and extra clerical employees of the main office. Field or neighborhood registration conducted outside of the central office would be done by these employees, directly under the supervision of the central office.

The problem of precinct registration versus central registration is taken up elsewhere in connection with the specification upon the place for registration, but there is one consideration, however, which requires treatment here. It is sometimes contended that registration should be conducted by the precinct officers, for they are personally acquainted with their neighbors and are well qualified to pass upon applications for registration. It is said that the local precinct officers are likely to detect any attempt to pad the registration list with fraudulent names. This argument has little validity. In larger cities the precinct election officers are personally acquainted with only a negligible number of the voters, and the application of a stranger gives rise to no suspicion. In smaller cities, however, the precinct officers are usually personally acquainted with every voter of the precinct, but in many instances, so is the city clerk. However wide or narrow the personal acquaintance of the precinct election officers, the value of this personal acquaintance is secured later on at the polls, and it is not necessary for the registration officer to be personally acquainted with the applicant. In every state a registered voter may be challenged at the polls. If the precinct officers know or suspect any person of not being qualified to vote, it is their duty to challenge him when he applies to vote.

The receiving of the application for registration and the recording of it in the registration records is a purely clerical matter. There is no necessity for formal neighborhood sessions



with bi-partisan representation. One competent clerk can do the work better than five incompetent party machine adherents. There is plenty of time after the act of registration is conducted to investigate the registrations and to detect any fraud. In this regard, the act of registration is wholly different from the conduct of elections, where after the ballot has been placed in the box it is impossible to rectify any error or fraud. There is no point to surrounding the procedure of registration with cumbersome, expensive, and incompetent machinery.

It should be borne in mind also that there are certain positive drawbacks to the use of precinct officers. They are subject to control by the precinct political workers, and in the worst precincts they may openly connive at fraud. In a number of cities it has been found that the most effective way to break up registration and election frauds is to bring in outsiders and place them on the precinct boards, so as to prevent the complete domination of the precinct board by the local politician. It is unquestionably true that the bulk of election frauds are conducted with the connivance or tacit consent of the precinct officers, and are made possible in part by the difficulty of exercising anything like a close surveillance over the thousands of precinct boards in a large city.

Specification 6.—Field deputies to be appointed by the county registration officer for rural communities or for outlying cities and towns, where the county is given exclusive jurisdiction over registration

It is obvious that some provision should be made to take care of the rural voter, who should not be required to make a trip to the county seat to be registered. If the county is given exclusive control of registration, the same is true for cities and towns other than the county seat. It is not necessary, however, to provide deputies for every precinct, or to provide more than a single deputy for each community or town. One solution of the problem of local registration officers in rural communities would

be to authorize justices of the peace, notaries public, or similar officers to receive applications for registration, but this has been found to be unwise in actual operation. New notaries or justices of the peace are created by the party machine to round up the voters to be registered, and these officers are not subject to control by the county registration officer. The better practice is to vest the power of appointing local registration deputies with the county officer having charge of registration, giving him discretion in the number of deputies to be appointed. This practice is substantially that found in Oregon, Montana, Nevada, and parts of California, and has been found to operate very successfully for rural communities.

#### REGISTRATION RECORDS

Specification 1.—Individual registration records for each voter in the form of loose-leaf pages or cards

Individual records are absolutely essential for permanent registration. Bound volumes soon become clogged with the cancelled registrations, and cannot be used. Loose-leaf or card records are especially adapted to permanent registration. Cancelled records may be removed from the files and transfers of registration for voters who change their residence may be made simply by correcting the old record and placing it in the file of the new precinct. Much clerical work is obviated by a system of individual records.

The ideal registration record consists of individual cards, filed upon visible equipment, which is being used in some cities of Wisconsin and Minnesota.

The principal objection raised against the use of individual records, either in the forms of cards or loose-leaf sheets, is the danger of loss or tampering. This is not a valid objection in the light of the actual experience of various states. The loose-leaf records or individual cards may be securely locked before being sent out of the election office, and the danger of tampering or loss is negligible. No difficulty of this kind has been encountered where records of this type are used.

## Specification 2.—

Registration records to be in duplicate

The original records to be filed by precincts, and to constitute the precinct registers

The duplicate records to be filed, without regard to precincts, in alphabetical order for the entire city or county

The precinct registers to be arranged in order by streets and numbers in cities (also alphabetically for each address where more than a single voter is registered), and in alphabetical order for rural precincts

An alphabetical file of all registered voters of the city or county, such as is found in the election office of California, makes it possible for the election office to find the record of any voter, regardless of the fact that his registered address may not be known. It makes it possible for the election office to render a number of different services which would not otherwise be possible, and facilitates the correction of errors in office work. In a number of election offices there is maintained a separate card index of all registered voters, arranged alphabetically. One set of the registration records filed alphabetically for the entire jurisdiction, takes the place of such an index, and thereby reduces the office work.

The precinct registers are generally arranged alphabetically instead of by streets, as here specified, though in Milwaukee they are arranged by streets. There are several material advantages secured by arranging the precinct register by streets and numbers. It permits the registration office to ascertain how many, and what the names are, of the voters registered at any address—a very useful thing in the detection of frauds. If the precinct registration records are arranged by streets, the work of preparing the copy for printing street lists of registered voters, which are usually required in the larger cities, is simple, but if the registration records are alphabetical, the clerical work required to prepare the printer's copy in street order is very great,

and when it is prepared there is no means of checking it against the original registration record for errors and omissions without a tremendous amount of clerical work.

It may be objected that the precinct election officers would have some difficulty in looking up the registration records of voters, if they were arranged by streets instead of alphabetically. That has not been the experience of Milwaukee. When the voter announces his name he may be required to state his address also, and the officer in charge of the register may find the record by the street and number as readily as at present.

It is possible to get along with a single registration record of each voter, instead of two, but it is not advisable to do so. On the other hand, it is possible to have three or four records instead of two. This also is inadvisable, for the extra expense of maintaining additional records is great, and no corresponding value is derived from them.\*

Specification 3.—The original record of cancelled registrations to be preserved in a permanent file

The registration and voting records of citizens are valuable, and should be permanently retained. It is unnecessary, however, to retain duplicate records. The method of filing is not prescribed, but filing alphabetically for periods of five to ten years is suggested as being feasible.

Specification 4.—The content and form of the registration record to be substantially as shown on the following page.

The items of this registration record have been selected with the following considerations in view: first, to avoid cluttering up the record with useless information, which is at present a very common practice; second, to avoid items which are objectionable to an appreciable group of voters, such as specific age, weight, or other items of personal description; and third, to secure whatever information is necessary to pass

\*Note to committee draft:

"Mr. H. A. Nichols believes that the records should be in triplicate in order to provide an extra record for any emergency."

**RESIDENCE**

| Last name | First name | Middle name |
|-----------|------------|-------------|
| ...       | ...        | ...         |

Date of start of residence at present address.....

Male Female Occupation.....

Birthplace.....

If naturalized: Name of Court.....

Place.....

Date . . . . .

**Through whom naturalized:**

Husband Name.....

Father \_\_\_\_\_

Remarks.....

[illegible]

# AFFIDAVIT OF REGISTRATION

State of ....., County of .....

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall be at least twenty-one years of age, and shall have resided in the State of ..... year, in the city (or county) of ..... days (or month) and in the ..... precinct ..... days (or months), and that I am legally qualified to vote.

Subscribed and sworn before me this..... day of .....

.....  
Signature of registration officer

Signature of voter

## VOTING RECORD

Stamp or write the date of each election at which the elector votes on  
the first vacant space

[illegible]

upon the qualifications of the applicant, to identify him at the polls, and to facilitate an investigation of his qualifications. It has been modeled largely after the California record, with modifications to make it adapted to permanent registration.

It is important that the middle name be secured as well as the first and last name, especially in large cities. The address of the voter should be secured in detail, so that investigators will not have difficulty in locating the place. In a permanent registration record it is necessary to provide space for new addresses to take care of transfers of registration within the city. The sample form leaves space for this purpose, and in case this space is used up, a paster can be placed on the record over the old addresses to permit the addition of new addresses.

In most registration records there are spaces to record the length of residence in the state, city or county, and precinct. The sample form substitutes for this the date of start of residence at the present address. This is more definite and may be more easily investigated. The voter should be permitted to answer this question by merely stating "for life," where such is true, in order to avoid requiring him to state his age indirectly. In permanent registration the length of residence on the date of registration soon loses significance. The affidavit on the sample form contains a statement by the voter that he has resided in the various units at least the minimum required time, which serves the same purpose.

It is usually thought advisable to record on the registration record the sex of the elector, though this might well be indicated by placing a "Mr., Mrs., Miss" before the name, with two to be stricken out. The occupation has nothing to do with qualification for voting, but it is worth while for a number of reasons. It is of assistance in checking up the qualifications of the voter, and in some cities it is used by the election office in picking prospective precinct election officers, or drawing a jury panel.

The requirement of the place of birth is to determine whether the applicant is native born. If not native born, then he is required to give the usual naturalization data of place and date

of naturalization. This should be taken directly from the naturalization record, which should be required of the naturalized citizen. In the "Remarks" space may be recorded additional data in regard to naturalization, if necessary, or it may be used to record items of personal identification of the elector who is unable to sign his name. The height in feet and inches, color of eyes, and date of birth should be recorded to identify the voter who is unable to sign his name. The first two items are the best which may be selected for personal description, and the date of birth is one which can be answered only by the elector himself, and consequently would serve to identify him at the polls.

The affidavit of registration is designed to place emphasis upon the fact that the elector is taking oath as to his qualifications, and also to relieve the record of the items of exact age, which is objectionable to many voters, and length of residence, which soon becomes meaningless in permanent registration.

The signature of the voter is the most valuable part of the record. It is absurd that many registration records, even of large cities, do not include the signature. It provides a positive means to identify the voter at the poll and constitutes a permanent record of the act of registration. It is a substantial safeguard against fraudulent registration, for the requirement of signing deters many registration frauds. The usual objection to the use of the signature is that many electors are unable to sign their names. This objection is not based upon facts. There are few persons unable to sign their own name, even if unable to read and write. In Omaha, by actual count, less than three hundred out of a total registration of seventy-five thousand were unable to sign, or less than one-half of one per cent of the voters.

The voting record of each elector, showing the elections at which he voted, is very important, and should be a part of any registration record. Many of the registration records in periodic systems provide this by means of columns for each regular election during the one, two, or four years for which the registration holds good, and usually several columns are provided to take

care of special elections. The voting history of the individual is of most value, however, when it is maintained continuously over a long period of time. A continuous record of this kind is of great service in connection with cases of fraud, for it provides a voting history of the individual. It would make possible in the future intensive researches in the subject of voting, which at present are greatly handicapped because of lack of adequate records.

The registration record should be designed to contain the lifetime voting history of the elector. Obviously, it is not possible to list on the record all future elections, for special elections cannot be foreseen, and the system of general elections may be changed at any time. It is also obvious that the voting history must be recorded in a minimum amount of space, otherwise it cannot be contained on a registration record of reasonable size. The solution hit upon is to record the voting history of each elector by stamping or writing upon the spaces provided for the purpose merely the date of each election at which he votes.

The voting record could be maintained by requiring the precinct election officers to stamp or write the date of the election upon the record of each voter when he casts his ballot, or this work could be done by the clerical force of the main office during the slack season. The former practice is preferable, for it is desirable to record on the registration record something to indicate that the elector has voted when he cast his ballot, in order to avoid the danger of any person voting twice under the same name. Stamps containing the date of the election should be provided for the purpose. The work of the precinct officers should be checked by the clerical force of the main office, however, to detect and correct any errors or omissions. It is not necessary to record the voting record upon the duplicate registration record filed alphabetically for the city or county, though this could be done by the office force if thought desirable.

The sample registration form does not contain a space to record the party affiliation of the elector when he registers. This



is a matter which should be left to the individual state, depending upon the primary law of the state. If the closed primary exists, however (which is the case in most states), the record should contain this item, but provision should be made whereby the elector may change his party affiliation.

Specification 5.—Printed or photostatic precinct lists of voters to be provided in the largest cities under the following provisions:

Arranged in order by streets and numbers

A few copies (not over five) posted in each precinct

Printed lists of voters are unnecessary, except in large cities, where it may be advisable to provide them as a safeguard against padded registration, even at a considerable cost. Most large cities now provide printed lists of voters for the use of party workers and others, and a few cities give these lists publicity by posting them in the various precincts. The cost of printed lists is very great. If suitable visible records are used, the lists can be made by photostating the card trays, and at a very small cost.\* Milwaukee owns its own type, which is kept set up from one election to another, and corrected before new lists are printed. The cost is low under this system.

If printed lists of voters are to be made, they should be arranged by streets and numbers instead of alphabetically. They are used largely by canvassers and political workers, and a street list is much better adapted for this work. Furthermore, as a means of giving publicity to the registration lists, the street lists are more effective, since any person may quickly ascertain the number and the names of all persons registered from any building within the precinct, and readily discover any cases of padded registration. If the names are arranged alphabetically, it is difficult for canvassers to use the list and quite unlikely that padded registration will be detected.

\* This is the practice in Madison, Wisconsin.

Where precinct lists are made, copies should be posted in each precinct as a means of giving publicity to the list of registered voters. If a few copies are pasted upon cardboards and posted in shop windows and other suitable places in each precinct, the possibility of padded registration being detected is greatly increased.

Specification 6.—Miscellaneous records. The registration office should maintain adequate and systematic records covering the following subjects: (1) Personnel for all employees, permanent, temporary, and field; (2) fraud cases, including reports, investigations, hearings, trials and disposition; (3) official actions of the office, including complaints and petitions received; (4) detailed statistics of registration and voting; and (5) financial accounts

No attempt will be made here to specify the content and form of such records, which should be evolved in practical operation. Election and registration officers as a general rule have only the most primitive and antiquated system of records. Usually the records consist of nothing more than perfunctory minutes and a meager account of expenditures, without a single record covering personnel, frauds and irregularities, complaints, and statistics of registration and voting. Adequate records are essential to sound administration of registration.

#### THE PROCEDURE OF REGISTRATION

Specification 1.—Registration to be conducted throughout the year, except for a period of three weeks prior to each election

Year-round registration conducted at a central office is entirely feasible and practicable. Precinct registration is necessarily restricted to a few days because of the cost. Registration throughout the year provides a great convenience to the elector. It is especially important that the registration office be open continuously for a few weeks prior to the date for the close of registration.

Registration should be closed about three weeks prior to the election, in order to allow the office sufficient time to prepare and print lists of voters, investigate registrations, permit complaints and challenges to be raised against registration, and get the records of the office ready for the conduct of elections. In smaller cities and rural sections where no printed list of voters is made and no official canvass of registered voters is conducted, it is possible to shorten this period to two weeks, or even one week, but no appreciable advantage is secured thereby.

Specification 2.—Registration to be conducted at the main registration office of the city or county, and at such other places as the registration officer or commission may decide

This specification raises the problem of precinct registration versus central registration, which has already been discussed in the comment upon the use of precinct officers in connection with registration. It is not proposed that there shall be central registration only, but central registration plus outside registration at the discretion of the registration office. In cities of less than one hundred thousand population, registration may be conducted exclusively at the central office. In the largest cities it is advisable to have outside registration during the rush period before any election. In various cities of California, branch offices are opened in department stores, banks, and other buildings. It is wise to do this, and also to follow the Boston system of having evening sessions in various parts of the city for the convenience of the voter. The whole matter of the number of outside places for registration and the time at which they are to be open should be left to the discretion of the registration authority of the city or county.

In rural sections it is necessary to provide local registration deputies, to save the new elector from the trouble of making a trip to the county seat to register. The same is true of cities and towns other than the county seat in states where the county is given exclusive control of registration. It is not necessary, however, for the registration deputy to hold formal sessions at

specified times. The better practice in rural sections is to permit the deputy to receive applications for registration at any time until the close of registration. In cities and towns usually the city or town clerk or some other officer with an office can be secured to serve as local deputy.

The local deputies should not maintain registration records and have general charge of registration for local precincts, but should merely receive applications, fill in the registration form, administer the oath, and forward the record by mail to the county officer. This system is in operation in Oregon and parts of California and works very well. Local officers usually are negligent in maintaining the records, though they are fully qualified to receive applications for registration and fill in the registration forms.

Specification 3.—Registration to be made only upon the personal application of the elector

The applicant himself is the best evidence of his qualifications to vote. The data required for an adequate registration record include, among other things, the signature of the elector, which cannot be secured *in absentia*. In actual practice, the worst cases of registration padding have occurred in systems where the presence of the elector was not required for registration.

Specification 4.—The city or county registration office or board to have full power to organize, direct, and supervise the routine handling of registration and all incident clerical work

It is unwise to prescribe the clerical operations of the registration office in the election law. The organization and procedure should be adapted to meet the circumstances, and should not be made inflexible by statutory provisions. For example, in the registration office of a large city the most feasible method of handling applications for registration at the main office during the rush period before an important election might be to have

the work done by teams, dividing the work up between two or more clerks. The organization and division of work depends upon the amount of work to be performed, the number of employees, the abilities of the employees, and other matters which can be decided upon best by the officers in charge. If registration is conducted outside of the main office in branch offices, fewer employees and a different division of labor should normally be used. In the main office at slack times when the number of applicants is small, the entire work of receiving registrations would be handled by a single person.

Under the prevailing system of precinct registration the routine clerical work is partly described by statute, and partly covered by instructions from the election office, but in the main it is left to the individual precinct registration board to be worked out as it may see fit. Considerable variation prevails from precinct to precinct, but nowhere is any effort made to systematize the work. The only way to secure more economical and efficient performance of the work is to grant larger powers of direction and supervision to the city or county registration officers. This would not insure improvement, but it would make it possible.

The principal improvements which should be made in the routine conduct of registration may be pointed out. In the first place, the applications should be received by a single person, unless organized upon a team basis, with each person doing a different part of the work as suggested above. The common practice of having a board of from two to six persons to do the work is absurd. A second improvement in handling registration would be to require each person to fill in an application form, giving the information required for registration by answering questions on the application form. This is done in Detroit, where it is found to expedite the work of taking registrations and also help to prevent clerical errors. In some cities in Wisconsin each registrant fills in his own registration record. This practice works fairly well. It is not deemed wise to enact this provision into law, but rather to give the registration authori-

ties discretion in the matter. The following sample form of an application for registration will illustrate the idea more fully:

NOTICE.—If you are already registered in (*Name of city*) and have changed your residence, do not make out this application for registration. Make out an application for transfer of registration.

#### APPLICATION FOR REGISTRATION

(Fill in with pen and ink. Do not use pencil.)

1. My full name is.....  
First name Middle name Last or surname
2. I reside at.....  
(Street number) (Name of Street)
3. Floor..... Apartment..... Room No.....  
(Fill in the above if they apply)
4. I have resided continuously at the above address since.....  
Month Date

.....  
Year

(The above may be answered by "life" if such is the case)

5. I was born in.....  
(Name of state or county)
6. My occupation is.....  
(Women voters who are not employed outside the home may answer by the word "Home")
7. Date of application.....

I hereby certify that I am a citizen of the United States, that I am not at present registered in (*Name of city*), that on the day of the next succeeding election I shall be at least twenty-one years of age, and a resident of the State of ..... for at least ..... year and (*Name of city*), for at least ..... days, and that to the best of my knowledge I shall be qualified to vote, and that the above statements are true.

.....  
Signature of voter

THIS APPLICATION MUST BE PRESENTED IN PERSON TO AN OFFICER IN CHARGE OF REGISTRATION. IT DOES NOT COMPLETE YOUR REGISTRATION. IT IS ALSO NECESSARY FOR YOU TO TAKE OATH AND SIGN THE AFFIDAVIT OF REGISTRATION.

Received by .....  
(Signature of registration officer)

Specification 5.—The registration officer or board of the city or county to hear appeals from persons denied registration, provided that no appeal may be made later than five days after the close of registration. The courts to hear appeals only from persons denied registration upon a previous appeal to the highest registration authority of the city or county

This specification is not of great importance. Many registration laws make no provision for appeal, though an appeal may

be taken to the courts without express statutory provision on the point. Cases of this kind are extremely rare under most registration systems. It is, however, desirable to have a provision for appeal to the chief registration officer or board of the county or city, as a convenience to the applicant who believes himself illegally denied the right to register.

In a few states the courts have interfered to an unwarranted extent in registration by issuing orders for registration, more or less indiscriminately and in large numbers, after the regular time for registration had passed. The proper function of the courts is to hear appeals from persons denied registration by the regular registration officers.

#### Specification 6.—Absentee registration

There is little need for absentee registration in a system of permanent registration, in which the elector may register on any day of the year at the office of the city or county registration officer. However, the simplest and most feasible method of absentee registration is to require the absent elector to secure blank registration form, and appear before some officer authorized to administer oaths to have it filled in and the oath administered, and forward it to the registration office before the close of registration. If the absent elector is within the state, it would be well to require him to appear before the local registration officer wherever he may be.

#### Specification 7.—The original registration

The original registration may be conducted in one of the following ways: First, by continuous registration at the central office of the city or county, supplemented by local deputy registrars in rural sections and by outside branch offices in large cities (where it would be a hardship to require every voter to come to the city hall); second, by several days of registration in each precinct, using one or more precinct officers; third, by a house-to-house canvass, in which voters would be registered

at their own homes. Under the last method the field registration deputies should be assigned to definite territory and paid a fee of from eight to ten cents per registration. Under this arrangement the field deputies will make an effort to register every eligible voter, calling back in the evening when necessary.

The use of precinct sessions is the most obvious method, but it has not worked well in practice at the start of a permanent registration. Minneapolis found it to be expensive, and the records prepared by precinct officers were unsatisfactory. Several cities in Wisconsin had a similar experience. On the whole, registration conducted by a house-to-house canvass seems to be the most satisfactory method. It results in a maximum number of voters being registered from the very start. While it may be contended that this procedure would lead to padded registers, such has not been the experience where it has been used. The signature of the voter and of the registration officer affords ample protection against frauds. Registration conducted at the central office or in each precinct usually costs several times as much per registrant as house-to-house registration.

Any method should be supplemented at the start of permanent registration by continuous registration at the central office, with outside registration at public meetings, banks, department stores, and factories during the rush period. A few voters may inadvertently register twice, but the duplicates may be readily detected and discarded.

#### CORRECTION OF REGISTRATION

This section includes all the means which may be used to keep the registration lists free from dead weight and corrected up-to-date. It is the most vital part of the registration system in a large city, particularly a system of permanent registration. The advisability of the adoption of a system of permanent registration rests upon the effectiveness of the means taken to keep the registers free of the names of voters who have died or moved away, and corrected to take care of removals within the jurisdiction. In order to prevent corrupt political machines from



padding the registration in large cities, it is necessary to make a house-to-house canvass of registered voters to ascertain whether they reside at the address given. This is true of annual registration as well as permanent, but in permanent registration the investigation of residence is more important.

Any large city which adopts permanent registration should make use of all the various means for purging the books which have been found to be practicable, but in rural sections and smaller cities where the danger of fraudulent voting is less, it is not necessary to take all the precautions which are essential in large cities. The presence of a small amount of dead weight on the registration lists in such communities is not a serious matter, provided some means is taken to prevent the indefinite continuation of dead weight upon the registers, and also to identify the voter at the polls.

Large cities with permanent registration use different methods to purge the lists: Boston relies upon an annual census of all adults, which is made by the police; Milwaukee relies upon a canvass made by the police; Omaha uses a canvass made by responsible inspectors directly under the supervision of the election commissioner; while Denver and Portland (Oregon) depend almost entirely upon a system of cancelling the registration of electors who fail to vote within one or two years. There are also other methods used by various places, with or without permanent registration, which will be described. Any place which will use all of these methods can be assured that the registration lists will be effectively purged.

Specification 1.—The official death reports secured from the officer in charge of vital statistics to be used to purge the registration books

This is a very practical and effective means of cancelling the registration of persons who have died, and thereby preventing the continuation of such names on the registers. It is in use in many places, and involves no serious administrative diffi-

culties. It may be done during the slack period in the registration office, and costs practically nothing. It cannot be relied upon to cancel the registration of all deceased electors, since some deaths occur away from the residence of the person, but still it is fairly effective.

Specification 2.—A method of transfer to be provided whereby an elector who changes his address may transfer his registration to the new address

The details of a procedure require separate treatment, and are set forth in another section, but it may be pointed out here that the system, if effective, corrects the registration for the bulk of removals, since the majority of removals are local.

Specification 3.—Registration of any elector to be cancelled upon failure to vote within a two-year period, but the elector should be notified and permitted to reinstate his registration by submitting to the registration office a signed request for reinstatement

This provision places a mild penalty upon non-voting and thereby stimulates voting, but its principal purpose is to purge the registers of dead weight. It does not operate to disfranchise electors who have failed to vote, for they are notified and permitted to reinstate, or, failing to do this, may register by personal application at any time. The elector who fails to vote is not greatly inconvenienced by this provision, and if it is desired to provide a more substantial penalty for non-voting, he should be required to apply in person at the registration office for reinstatement or new registration. In Denver and Portland, Oregon, this method has been found to be so effective that it is relied upon almost exclusively to keep the lists purged. Removals or deaths which are not detected in some other way are automatically detected in this manner. Of course, it is possible for a corrupt political machine to continue dead weight indefinitely by always sending in a "repeater" to vote under the name of

the dead or removed voter, but this is unlikely. Precaution against this can be made through a system of a signature identification of every voter at the polls, which taken together with cancellation for failure to vote, makes fraudulent voting extremely difficult.

In rural communities and cities of less than one hundred thousand population, the above three methods of correcting the registration lists are ordinarily quite ample. It would be possible to provide that the precinct election officers or the local registration officer in rural sections, should meet in formal session to revise the registration list, hearing challenges and correcting the register upon their own knowledge, but this is unnecessary. It would entail additional expense without any proportionate return.

**Specification 4.**—The city or county officer or board in charge of registration to be given full power to make investigations of registration in either of the methods outlined below. In larger cities some systematic investigation of registration should be compulsory once a year, or biennially where elections are held only during alternate years, and the registration authorities should have the power to conduct investigations in all or a part of the city prior to other elections. The power to make such investigations should be given to the registration authorities in rural sections and smaller cities, although such investigations would rarely be necessary

**Method 1.** A house-to-house canvass of all registered voters to be made by the police or other responsible persons selected directly by and responsible to the registration authorities.

**Method 2.** A census of all adult residents conducted annually or biennially, depending upon the frequency of the elections, which is checked against the registration lists and corrections, and cancellations made accordingly. The

census should be made by the police or by responsible persons selected by the registration authorities and directly responsible to them

The first principal point of this specification is that full power to make all needed investigations should be given to the registration authorities, who may then be held responsible. This is essential in any large city, and should be provided elsewhere. This does not mean, however, that full discretion as to the means to be used should be vested in the local authorities; this might well be prescribed by statute, though it is not well to restrict the methods of investigating registration too narrowly.

In larger cities, it is wise to make some systematic city-wide investigation compulsory every year or every two years. The registration authorities may neglect to make such investigation unless it is compulsory, or may be prevented from doing so by the failure of the city council or county board to provide funds. They should have the power to conduct such investigations in all or a part of the city or county prior to other elections as they may deem necessary. In Omaha the election commissioner has a canvass made of the downtown sections and the river wards before every election, but the entire city is canvassed only before the general fall elections.

In either method of investigation of registration outlined above, the most important consideration is to secure responsible persons to make the investigation. If the police can be relied upon, they should be used, for they are normally more responsible than temporary employees. A policeman is subject to discipline and has a job to lose if it can be proved that he has failed to perform his duty or has committed fraud. Yet, in many places, because of the reputation of the police force and its connection with the political machine, it may be unwise to use it for this purpose. The problem, then, is to secure responsible individuals to make the investigation. In Omaha the county election commissioner personally selects (usually upon his own knowledge and acquaintance) precinct inspectors to do this work, irrespective of party affiliation and with no recommendation

from the party organizations. Only one person is used to the precinct, and the position is looked upon as one of authority and responsibility. Competent, responsible, outstanding citizens are secured to act as inspectors, a large part of them being attorneys.

The second method, which provides for a census of all adult residents, is used in Boston and other Massachusetts cities. It is superior to the house-to-house canvass of registered voters in several important respects: first, it is more definite in assignment, and may be more easily checked up; second, it requires positive information, while the canvass does not (the canvasser may conduct his canvass on the street corner or rely upon the information secured from the precinct political captain, but the census enumerator of all residents must go to every house to get the names and other information); third, it makes it possible for the registration authorities to transfer the registration of voters who have moved within the city or county without an application from the voter. In Boston the census cards contain the residence of each person on the date of the preceding census, which is secured in practically all cases. If the person is registered at the previous address, the registration is transferred to his new address. Another advantage of the census is that it does not have to be made as hurriedly as the canvass of registered voters. The canvass of registered voters is made after the close of registration and the street lists have been prepared, and not much time remains for the registration authorities to handle the reports of the canvass, send out challenges, hear cases, and clean up all matters before the day of election. If a census of all residents is used, it may be made several months before the election and all old registrations checked against it and corrections made before the rush of new registrations starts. Registrations made after the census has been taken may be checked against it also; in a system of permanent registration the number of new registrations is fairly small, and this work is not difficult. A special investigation should be made of any new voter who was not listed in the census.

Where the census is used it is necessary for the registration office to notify each voter whose name is about to be cancelled. Voters whose registration is transferred should also be notified.

It is more expensive to conduct a census of all residents than to make a canvass of registered voters. The cost of making the canvass of registered voters in Omaha, for example, is only 2.8 cents per registered voter, while the cost of making the census of adult residents is 5.7 cents per registered voter in Brookline, Massachusetts. The cost of making the canvass of registered voters in Kansas City by the precinct clerks of election is 9.6 cents.\*

The cost of making either a canvass or a census is not great, provided only a single person is used to do the work. The experience of Chicago, St. Louis, and Kansas City indicates that there is no value secured from having two persons, representatives of opposite political parties, to make the canvass together. Much better work is secured by using a single responsible person, selected without regard to party affiliation, and not upon the nomination of the precinct captains. The census of all adult residents is preferable to the canvass, and if properly conducted the cost is not large.

With either system of making an investigation, the canvass or the census, there should be systematic records provided for the work. Where the canvass of registered voters is made, it is usual to provide the canvassers with lists of voters arranged by streets and numbers. In Milwaukee this is done by pasting the printed street lists into convenient sized books, arranged with columns to enter a memorandum such as "o. k.," "moved," "dead," or "moved to 917 South Water Street." If a census of adult residents is made, there should be an individual card record for each resident listed, with the name, address, sex, address for the previous year when the census was made, name of informant, and date and signature of officer making the census. There should also be a master card file covering

\* These costs are for a typical canvass or census, though there would be some variation from time to time.

every building of the city, showing the nature of the building and the number of resident suites or apartments, which should be used in making the assignments to the census takers and also to check up on their work. This system of records has been developed in Boston and found to work very satisfactorily.

Specification 5.—The registration officers of the city or county to be given authority to use other reliable means in their discretion to correct the registration lists, such as the use of the mails, information of removals secured from the post office, city directories, moving reports, tax assessments, gas, telephone, electric, and water orders for change or discontinuation of service. Any person whose registration is about to be cancelled or changed upon the basis of such information should be notified of the fact through the mails as a precaution against mistakes

Some of these various sources of information can be used to advantage in any large city or county. The registration authorities should have the power to make use of these or other reliable sources of information to correct the registration.

Specification 6.—Any citizen to be permitted to challenge the registration of one or more registered voters. The challenge should contain the name and address of the registered voter, the grounds of the challenge, and the signature of the challenger and should be filed not later than one week prior to the election. Such challenge to be heard by the county or city registration officers at such time as they may fix, after notice has been served upon the challenger and the challenged voter, and an investigation made of each case. It should be made a misdemeanor for any person to challenge the registration of any person in bad faith, or without reasonable evidence that such person is not qualified to vote

Some provision of this kind is necessary to enable any civic organization to take effective action in cleaning up registration

when it becomes necessary. In practical operation, however, such challenges are rarely filed, and almost never by a private citizen on his own behalf. In order to avoid indiscriminate challenges it is advisable to require the challenger to state the grounds of the challenge and sign his name, and also to provide that the registration officers shall investigate the case before the hearing is held.

#### TRANSFER OF REGISTRATION

Specification 1.—Any voter who moves within the city or county to be permitted to transfer his registration to the new address by sending in a signed request to the registration office

This system of transfer is used very successfully in Milwaukee, Minneapolis and St. Paul. It does not require the elector to make a trip to the registration office, for he can send in his application for transfer by mail or otherwise. The registration office does not have to make out a new record, for the new address is recorded and the original record transferred to the proper precinct. It also insures the cancellation of the registration in the old precinct, thereby removing the largest source of dead weight upon the registration books. In Milwaukee the election office distributes blank transfer applications with full instructions on each blank to political workers and others, and the newspapers also print the forms for the use of their readers, who may, if they wish, clip the form from the newspaper and use it to make the transfer. However, the use of the regular application form for transfer is not required, and any elector may transfer his registration simply by writing to the election office, giving his old address, his new address, and signing his name. The signature is compared with that on the registration record to safeguard against spurious applications.

Specification 2.—The form for the application for transfer to contain spaces for the name in full (with instructions to



print or write very plainly), the old and new addresses in detail, the date of removal to the new address, and the signature

Specification 3.—Transfer of electors who are unable to sign their names to be made only upon personal application at the registration office, where they may be identified by use of the personal description data on the registration record

Specification 4.—Applications for transfer to be received up until the close of registration and not afterwards, except for voters who have moved after the close of registration and who are legally qualified to vote from the new address

All applications for transfers should be made before the close of registration in order that the registration office may have time to prepare accurate printed lists of voters, and clean up its records in time for the election.

Specification 5.—Where a census of all residents is made annually or biennially, the registration of all registered voters to be transferred if they are found to be registered at the address given for the previous year. The registration office should also have the power to make transfers upon the basis of reliable information, such as removal of gas and electric service, without requiring the voter to make a signed request, but notice should be mailed to the voter as a safeguard against errors.<sup>1</sup>

Specification 6.—Any voter who moves outside of the jurisdiction of the local registration officer (county or city) to be required to register anew, but in such cases the registration officer should send a cancellation notice to the registration office of the previous residence.

#### IDENTIFICATION OF THE VOTERS AT THE POLLS

Specification 1.—All voters to be positively identified at the polls by requiring them to sign their names when they

<sup>1</sup>In Wisconsin the city clerk is required to secure a list of removals of gas and electricity, from the local utility company and make the proper transfers. This works well.

apply to vote and by comparing the signature with that on the registration record

Identification of voters at the polls is one of the prime purposes of registration, though most registration systems employ antiquated means, or none at all. An effective, positive identification of every person applying to vote, as to whether he is the identical person registered, constitutes the most effective means of preventing voting frauds. If positive identification could always be secured there would be little reason to fear fraudulent voting and little need for other precautions against it. Of course, it is impossible under any system of registration to secure positive identification of all voters, because the identification must be made by the precinct officers of election, and in the worst precincts of a large city the officers of election are frequently indifferent or are subject to the orders of the precinct politicians. Under such circumstances no mechanical system of identification can guarantee the desired results, but, on the other hand, the method used will have much to do with the results secured.

There are several methods of identification which could be used. The signature method is specified. The most common means now used is to enter on the registration record a personal description of the voter, with such items as age, height, weight, color of eyes, hair, or other marks of identification. Another method which has been proposed by a few persons would be to identify the voter by the finger print. This is quite out of the question at present. It would raise a tremendous roar of objection on the ground that it classifies voters with criminals. It would be difficult if not impossible to administer, since precinct election officers are not finger print experts. It would slow up the process of voting and require more precinct officers.

Practically all registration systems in large cities include some personal descriptive items, which theoretically are used at the polls to identify the voter. The greatest drawback to this method of identification is that in the rush at the polls the precinct officers do not have the time or inclination to identify

the voter by use of these items, and practically never use them except when the applicant to vote is challenged. The precinct officers cannot be expected to measure the height or take the weight of every applicant, and age is only a rough means of identification. Many voters strongly object to these items of personal description, especially the exact age and weight. This method of identification is scarcely worth the ink required to record the items upon the registers.

The use of the signature is the ideal method of identification. It is positive, can be applied readily to every voter, and gives rise to no sound objections. Unquestionably it should be a feature of every system of registration. Even in rural sections, where normally every applicant to vote is personally known to the members of the precinct election board, it would be a good practice. A permanent record is made when the vote is cast; a signature must be written on the poll books. The requirement that each voter sign his name in the poll book when he votes would put a stop to practically all fraudulent voting which is still carried on in rural sections. In cities of any considerable size, the signature identification is almost indispensable.

There is one objection raised against the use of the signature to identify the voter at the polls: that it would slow up the process of voting and make it more expensive. The best answer to this objection is the successful operation of the system in New York City and other cities of the state of New York, Omaha, several cities in Minnesota, and the state of California. It has not been found that the signature slows up the process. Election officers state that not a single complaint of this kind occurs in practical operation. This objection is theoretical, though it is usually raised by self styled "practical" men. It is a very simple operation to make the comparison of the signatures of the voter.

Specification 2.—Voters who are unable to sign their names to be identified in the following manner: All such voters would be required to state their height in feet and inches and date of birth, and this data would be recorded in the

"Remarks" space on the registration record; when any such voter appeared to vote he would be required to answer questions covering the same items, which would be recorded upon a suitable form, and then comparison made with the items on the registration record

This system of identifying voters who are unable to sign is found in New York City, where it is said to work effectively.

In rural sections or smaller cities where voters are usually personally known, it may be unnecessary to require a written record of the identification of such voters. For such places the written record may be dispensed with, and the responsibility for identifying the voter who is unable to sign his name be placed upon the election officer in charge of the work.

Specification 3.—The voter to be required to sign his name at the polls in a roster of voters or upon a card form provided for this purpose. In either case the election officer in charge should be required to sign his initials immediately after he has made the comparison. If cards are used, they should be immediately dropped into a locked box provided for the purpose

The roster of voters, in which each voter signs is in use in California, and works quite satisfactorily. Each voter signs the roster when he appears to vote, and then the signature is compared with that on the registration record. The only disadvantage of the system is that it is a little cumbersome to make the comparison, for the two signatures cannot be placed side by side.

In Minneapolis the voter is required to sign a voting certificate card, which may be placed on the registration record beside the original signature and the comparison quickly made. This system facilitates actual comparison, but there is a somewhat greater danger that the signatures of the voter may be lost, and the psychological influence upon the voter is perhaps greater when he signs a "Roster of Voters" in the form of a bound volume.

It is difficult to devise any system which will guarantee an actual comparison of the signatures of the voter. Precinct election officers, even in the best precincts, are likely to be careless of this, and in the worst precincts may make a farce of the comparison. It is not necessary to despair because of this, however, for the possibility of a comparison being made is usually enough to prevent impersonation. The election law may require that the precinct election officer to sign his initials on the card or the roster of voters after making the comparison, as a means of fixing the responsibility. The signature should be made immediately after the comparison is made. In New York City the election officers frequently let it go until the end of the day and then run through the signature register and sign up the entire book at one time. This practice makes the signature of the election officer meaningless.

Specification 4.—The comparison of the signatures and the identification of a voter who is unable to sign should be made in such a manner that political watchers or others present at the polls may also make a comparison

This provision is copied almost verbatim from the California law. It is a wise provision, for it places another and very appreciable danger in the way of impersonation.

#### MISCELLANEOUS PROVISIONS

Specification 1.—The registration authorities of the city or county to be given the power to issue a certificate of registration on the day of election in order to correct for clerical mistakes, which certificate will entitle the holder to vote in the precinct in which he is registered

The number of clerical mistakes of this kind under a good system of records should be negligible, but still it is advisable to give the registration office the power to rectify its own errors.

Specification 2.—Any voter who changes his or her name by marriage or otherwise to be required to register anew

This is necessary to avoid clerical errors and also to secure the signature of the voter as it will be signed at the polls.

### CHAPTER III

## HISTORY OF REGISTRATION IN THE UNITED STATES

The purpose of this chapter is to set forth the general trends in registration legislation in this country, in order to provide the necessary background and perspective for a well rounded consideration of the problem of registration. No attempt is made to enumerate the thousands of steps in the evolution of registration laws in all the states, for this would be unduly tedious and not particularly valuable.

The development has not been uniform throughout the country. There are, however, certain outstanding trends in the history of registration laws. The first registration law in this country was enacted in Massachusetts in 1800.<sup>1</sup> This was followed by similar laws in other New England states, but very few states in other sections of the country adopted registration prior to 1860. From 1860 to 1880 laws were enacted in most of the older states in the North, first by the states with large cities, the law applying only to the large cities. From 1880 to 1900 the states of the West and South provided registration for the first time. In other parts of the country registration laws were extended to small cities, and in some states to rural sections.

The earliest registration laws rarely proved to be effective for long in preventing frauds; in most states the laws were altered constantly. It sometimes happened, however, that the early registration laws gave considerable dissatisfaction to the electorate before the provisions were fully understood. In a number of states registration laws were quickly repealed. Most of the registration laws were enacted or amended because of

<sup>1</sup> Acts and Laws of Massachusetts, 1800, Ch. 74

flagrant election frauds, and were designed to prevent these frauds. The early registration laws, however, were ineffective against corrupt and powerful political machines. Personal application by the elector was not usually required. The registration officers were authorized to prepare lists of qualified electors from their knowledge. It was common for precinct politicians to hand in long lists of names to be registered, often of persons who had long since died or moved away, or fictitious names. Registration thus served as a cloak for voting frauds.

From time to time frauds were exposed, and the registration laws were tightened to put a stop to the worst practices. In the large cities personal application by the registrant came to be required and later the signature as well. Other means taken to prevent the worst frauds included lodging house reports, an official canvass of all registered voters, annual registration of all electors, and identification of the elector at the polls. As a result of this process the registration systems of the largest cities have been made exceedingly expensive, cumbersome, and inconvenient.

Within recent years there has been a widespread movement for registration reform. It has been designed primarily to simplify registration and to make it less expensive and more convenient to the voter. This movement has largely centered around the idea of permanent registration. Several large cities adopted permanent registration prior to 1920,<sup>2</sup> and, following the nation-wide adoption of woman suffrage and the growing concern over non-voting, the movement spread rapidly.

**Early History of Registration Laws.** In 1742 Massachusetts limited the suffrage to owners of real estate valued at twenty pounds or more, and provided that the assessors of each town were to provide the town clerk with a copy of their land assessment for use in connection with elections.<sup>3</sup> This was not a true

<sup>2</sup> Boston, Milwaukee, Omaha, Denver, and Portland (Oregon).

<sup>3</sup> Ancient Charters and Laws of Massachusetts Bay, Ch. CCXIX, Sec. 1 (Boston, 1814).

registration list, but it is probably the earliest forerunner in this country of an official registration system.

In 1800 Massachusetts, as before mentioned, enacted the first registration law in the United States.<sup>4</sup> The assessors of every town or plantation were required to prepare lists of qualified electors, and in the towns these lists were submitted to the selectmen, posted, and revised prior to each election. For the purpose of revision the selectmen or assessors met on the day of the election immediately preceding the voting to hear applications for registration. Minor changes were made in the law by succeeding legislatures, and in 1832 the constitutionality of the requirement of registration was passed upon in the famous case of *Capen v. Foster*.<sup>5</sup> Though the state constitution did not specifically empower the legislature to enact such a law, the court held compulsory prior registration valid. This decision has been generally followed in other states.

States outside of New England were slow in enacting registration laws. In 1819 South Carolina provided registration in the city of Columbia for the election of warden and intendant.<sup>6</sup> Pennsylvania enacted its first registration law in 1836, providing that the assessors in the county of Philadelphia should make up lists of qualified voters, and that no person should be permitted to vote whose name was not on the list.<sup>7</sup> The act was designed to prevent the gross election frauds which had prevailed in that city, but it caused some dissatisfaction and was vigorously opposed in the constitutional convention of 1837.<sup>8</sup> It was alleged on the floor of the convention that the law was passed as a party measure, designed to cut down the vote of Philadelphia,<sup>9</sup> that it fostered rather than prevented fraud,<sup>10</sup> and that it took away

<sup>4</sup>It is not unlikely that the registration procedure provided by the Massachusetts statute of 1800 had already been used in some of the cities and towns of the state, though without express statutory authority.

<sup>5</sup>12 Pickering 485 (1832).

<sup>6</sup>Acts of the General Assembly, 1819, p. 16.

<sup>7</sup>Session Laws, 1835-36, p. 604.

<sup>8</sup>Pennsylvania, Debates of the Constitutional Convention, 1837, III, 30-80.

<sup>9</sup>*Ibid.*, pp. 43-45.

<sup>10</sup>*Ibid.*, pp. 57-60.



the right of suffrage from the poor and secured it for the rich."<sup>11</sup> Mr. Porter asserted:

When the assessors went around, the laboring men were necessarily and of course absent from their homes, engaged in providing subsistence for themselves and their families; and not finding the men at home, did not go again. When the election came on these men appeared to vote, and were spurned from the ballot boxes. They were told that their names were not on the registry, and that, therefore, they had no right to vote. These poor men were thus compelled to return to their families in shame and contempt. But how was it with the rich man? The gold and silver door plate with name was enough, and there was no danger that the assessor would overlook that. This was the effect of the law in the county of Philadelphia."<sup>12</sup>

Other delegates opposed the law on the ground that it was an unfair discrimination against the voters of Philadelphia. This opinion was voiced by Mr. Brown, who said:

It was forced upon the city and county in opposition to the will of a large majority of the voters. . . . What would any man think of having his name posted up on the sign posts and blacksmith doors of the city and county when the same thing was not required of his neighbors? What would the voters of any district think if their names were to be posted up at every public place, while their neighbors on the other side of an imaginary line were not subject to this practice?"<sup>13</sup>

Several delegates from Philadelphia, however, came to the defense of the law and declared that it had effectively prevented fraud and violence. The opponents of the law introduced an amendment to the constitution, providing that election laws should be uniform throughout the state, knowing full well that a registration law applicable to rural sections as well as to Philadelphia would be bitterly opposed by the rural members, and could not be enacted. The amendment was lost by a vote of forty-nine to sixty-seven."<sup>14</sup>

<sup>11</sup> *Ibid.*, pp. 44, 52.

<sup>12</sup> *Ibid.*, p. 44.

<sup>13</sup> *Ibid.*, p. 32.

<sup>14</sup> *Ibid.*, p. 81.

In New York the subject of registration was raised in the New York constitutional convention of 1821 by the committee on suffrage, in a proposed amendment which read:

The legislature shall provide by law that a registry of all citizens entitled to the right of suffrage, in every town or ward, shall be made at least twenty days before any election, and may provide that no person shall vote at any election who shall not be registered as a citizen entitled to vote at such election."

When this amendment was brought before the convention, Chief Justice Spencer, who was presiding (as reported in the proceedings):

Expressed his gratitude to the committee for their exertions to prevent the evils that were attendant upon our mode of elections. He thought the course recommended by the committee would conduce to peace and quietness at the polls, and prevent those scenes of iniquity and perjury that has been often witnessed with pain, and which had a powerful tendency to sap the foundation of morals, and the principles of justice."

The amendment was lost by a vote of sixty to forty-three, many delegates voting against it because they believed the legislature already possessed the power to enact registration laws." The convention, however, adopted the following section, which unquestionably gave the legislature power to enact registration laws:

Laws shall be made for the ascertaining by proper proofs, the citizens who are entitled to the right of suffrage hereby established."

The bitter opposition voiced in some of the early conventions against registration laws appears, in the light of subsequent developments, rather foolish and somewhat humorous. General

<sup>15</sup> Report of the Proceedings and Debates of the Constitutional Convention of 1821, p. 203.

<sup>16</sup> *Ibid.*, p. 203.

<sup>17</sup> This position was maintained by Martin Van Buren, a member of the convention. *Ibid.*, p. 203.

<sup>18</sup> Article II, Section 3, Constitution of 1821.

Butler, who led the opposition to registration in the New York convention of 1821, declared that it would bring about:

The establishment of a tribunal unknown to our laws, sitting in secret, making out a register upon evidence not capable of being contradicted; and this too, without providing for the proscribed, whose names were not on the register, any mode of redress."

This same gentleman subsequently said when the registration amendment was brought to vote:

It will be necessary, in order to carry this provision into effect, to have certain officers to take the proof of the qualifications of voters to be enrolled previously to the election. This proof is to be taken in private, by affidavit, at least twenty days before the election. In order that all may hear of this, it will be necessary to put up a notice in at least three places—a bar room, a blacksmith shop, and a post at the angle of the road. Thus men are to be compelled to make two journeys, one to appear before this dread tribunal, and one at the polls of the election—perhaps in some instances, ten, twelve or twenty miles, to get one vote! It is said there will be no difficulty in all this. Perhaps some gentlemen will be so much interested as to turn out and bring them to the polls of the election. But will they be willing to turn out twice—once to get their names entered in this great conscription list, and again to appear at the polls? No; they will not come. It will lead to this result—that a few individuals in the villages and cities, who have a desire that a few shall rule the many, who have a desire that aristocracy shall triumph, will be on the alert: but honest republicans will never take such pains—modest, unassuming democracy will never be shackled by your conscription lists."

Governor Yates recommended a registration law to the New York legislature in 1823,<sup>19</sup> but no action was taken. This recommendation was followed in 1827 by a more vigorous and pointed recommendation along the same line by Governor De Witt

<sup>19</sup> *Ibid.*, p. 203.

<sup>20</sup> *Ibid.*, p. 374.

<sup>21</sup> Charles Z. Lincoln, *Constitutional history of New York*, III, 95 (1906).

Clinton," and in 1839<sup>22</sup> and 1840<sup>23</sup> Governor Seward made similar recommendations, and finally, in 1840 a registration law was enacted which applied to New York City.<sup>24</sup> This law provided for compulsory prior registration, but personal application by the elector was not required. It evidently aroused criticism, for it was repealed in 1842. Governor Seward signed the repealing measure without protest.<sup>25</sup>

An amendment requiring the legislature to enact a registration law was introduced in the constitutional convention of Louisiana of 1845, but was lost by a vote of forty-four to twenty-one. The chief opposition to the proposition was on the grounds that it was out of place in a constitution, that registration would be expensive, conducted in secret, and liable to manipulation, and that it would prevent qualified electors from voting. Mr. Roman, who introduced the amendment, said in its defense:

We cannot hide from ourselves the fact that the frauds committed in this state upon that system (the existing election system) have become a by-word of reproach, and that it would indeed be discreditable to our reputation as a member of the Federal Union, and a proud and chivalric state if this convention be suffered to complete its labors without an effective barrier against similar occurrences.<sup>26</sup>

In Iowa an amendment to require registration for voting was proposed at the constitutional convention of 1857, but was defeated by a vote of two to one, principally upon the ground that the legislature had the power to provide for registration without express provision in the constitution, and that the requirement of state-wide registration would prove to be unduly burdensome upon rural voters.<sup>27</sup> A similar provision was lost in the Michigan constitutional convention of 1867, primarily

<sup>22</sup> *Ibid.*, p. 95.

<sup>23</sup> New York Assembly Journal, 1839, p. 20.

<sup>24</sup> *Ibid.*, 1840, pp. 16-17.

<sup>25</sup> Session Laws, 1840, Ch. 78 and 361.

<sup>26</sup> Assembly Journal, 1842, p. 401.

<sup>27</sup> Proceedings and Debates of the Constitutional Convention of 1845, p. 178.

<sup>28</sup> Debates of the Constitutional Convention of 1857, pp. 868-70.

because the convention believed that the legislature already had full power to require registration."

Until 1860 registration laws were found almost exclusively in New England. A few states in other sections of the country had considered the adoption of registration systems, and laws had been passed applying to New York City, Philadelphia, and Columbia, South Carolina, but the law for New York City was quickly repealed and that for Columbia was relatively unimportant. By this time there were evidences of gross frauds, but the necessity of some form of registration, for the large cities especially, had not yet been recognized. The extension of registration was to come after the rapid growth of cities following the Civil War, the great influx of immigrants, and the growth in power and corruption of the political machines, particularly in the large cities.

**The Spread of Registration Legislation.** The spread of registration laws began about 1860 and continued until about 1910. The first laws were adopted by states with large cities, and registration was required only in those cities. As time went on it was discovered that voting frauds were not confined to the large cities, and the registration provisions were extended to smaller cities and towns, and in some states to rural sections as well. With the growth of large cities in many states, registration became widespread.

It would be unduly tedious to trace the evolution of registration laws in the several states during this period. There was a fairly constant movement toward a wider application of registration laws and toward making them more and more elaborate and stringent in their requirements, and in most states the registration laws were subject to continual changes. The history of registration laws for this period can be traced by a study of a few typical states.

*New York.* In 1857<sup>20</sup> and 1858<sup>21</sup> Governor King strongly urged a registration law upon the legislature, but without re-

<sup>20</sup> Debates and Proceedings of the Constitutional Convention of 1867, p. 291.

<sup>21</sup> *Assembly Journal*, 1857, p. 27.

<sup>21</sup> *Ibid.*, 1858, p. 126.

sults. In the following year Governor Morgan continued the recommendation, and the legislature enacted a state-wide registration law.<sup>22</sup> The precinct officers were authorized to prepare registration lists without personal application of the voter, and were directed to use the poll list of the preceding election in determining who were qualified to vote. In 1861 Governor Morgan declared the registration law had been of "signal value,"<sup>23</sup> but in 1865 Governor Fenton pressed for a more stringent law, asserting that the existing law had not accomplished the entire object for which it had been framed.<sup>24</sup> The legislature modified the law, making it applicable only to cities and villages and to the entire counties, including New York City and Brooklyn, making it somewhat more strict by the requirement that after the first day of registration no more names could be added to the lists except upon personal application of the elector.<sup>25</sup> In the following year personal application was required on the first day of registration as well in New York City and Brooklyn.<sup>26</sup>

The subject was raised in the constitutional convention of 1867 by a proposed amendment to the constitution requiring the legislature to enact a state-wide, compulsory registration law, with registration to be completed six days prior to the election.<sup>27</sup> The amendment was adopted by the convention, but was lost upon referendum vote. The debate in the convention forecast the fight which was to take place over the subject of registration during the thirty years following. The delegates from New York City strongly insisted that registration should be uniform throughout the state, while the upstate delegates stoutly maintained that the registration laws should not apply to rural sec-

<sup>22</sup> Session Laws, 1859, Ch. 360.

<sup>23</sup> Assembly Journal, 1861, p. 31.

<sup>24</sup> *Ibid.*, 1865, p. 21.

<sup>25</sup> Session Laws, 1865, Ch. 740

<sup>26</sup> *Ibid.*, 1866, Ch. 812.

<sup>27</sup> Proceedings and Debates of the Constitutional Convention of 1867-68, I, 602.

tions and to the largest cities alike. One delegate from New York City asserted that a registration law was "an odious enactment among a free people, and should be unknown,"<sup>38</sup> but another delegate from the city strongly defended the law, asserting that without it, whole households from the father down to the youngest son, not two years old, and even the names of pigs and goats would be voted.<sup>39</sup>

In 1869 Governor Hoffman advocated a uniform state-wide registration law, but evidently his purpose was to maneuver in favor of a more lenient registration law for New York City.<sup>40</sup> In his message of the following year he frankly opposed all registration laws,<sup>41</sup> and in 1872 he stated in his message:

I have little faith in them [registration laws] to prevent fraud at the polls. They have been tried and failed to prevent it. More frequent charges of frauds, and of frauds of a grosser character, have been made since the registry laws were put into operation than before. Many who have watched their workings insist that they can be easily made, and have been made, a convenient cover for frauds, which, without them, could not have been committed. . . . Upon principle a registry law, if any be passed, should apply to all parts of the state alike. Yet I am satisfied that intelligent public opinion in the rural districts, among men of all parties, does not favor one there. The inconvenience and expense of the electors in such districts from such a law are very great, with no adequate good results in compensation. The conviction, however, prevails extensively among intelligent men that in large cities registry laws can be made useful in securing the purity of the ballot, and this conviction is so strong that the continuance of the system in the larger cities may be advisable.<sup>42</sup>

The legislature of that year made a minor change in the time of registration in New York and Brooklyn, and the law for the rest of the state was amended to provide registration only in cities and villages of ten thousand population.<sup>43</sup> In 1873 the law

<sup>38</sup> *Ibid.*, p. 559.

<sup>39</sup> *Ibid.*, p. 581.

<sup>40</sup> *Assembly Journal*, 1869, p. 30.

<sup>41</sup> *Ibid.*, 1870, p. 23.

<sup>42</sup> *Ibid.*, 1872, pp. 33-34.

<sup>43</sup> *Session Laws*, 1872, Ch. 570 and 675.

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was amended to apply to all cities, but villages of less than ten thousand population were still exempted."

The next change in the registration laws came in 1880 as a result of gross election frauds in parts of the state where personal registration was not required. Governor Cornell said in his message of that year:

In consequence of the enormous election frauds perpetrated in the city of New York in former years, very effective laws have been enacted for that locality. But in other cities defective statutes are still in operation, and in some of them elections are conducted in a grossly fraudulent manner. . . . A well guarded registry law for all incorporated villages is believed to be necessary for the correction of the existing evils."

Only a few minor extensions of the registration laws were made in that year." In 1889 Governor Hill vetoed a special act extending the application of the registration law on the ground that there should be a general law applying to all towns of the state. He said in part:

Frauds upon the elective franchise are not confined to the cities of the state, neither are they limited to the general elections, but pertain to town meetings and municipal elections as well."

In his message of 1890 Governor Hill again discussed the question and urged state-wide registration, pointing out the frauds which occur in rural communities and villages." The legislature of that year enacted a state-wide registration law, providing for personal registration in cities." In 1892 Governor Fowler urged a state-wide personal registration law," but the legislature merely provided that outside of cities, personal application should be required for registration on the last day.<sup>51</sup> In

<sup>44</sup> *Ibid.*, 1873, Ch. 824

<sup>45</sup> Assembly Journal, 1880, p. 22

<sup>46</sup> Session Laws, 1880, Ch. 142, 508, 576.

<sup>47</sup> Assembly Journal, 1889, pp. 767-69.

<sup>48</sup> *Ibid.*, 1890, p. 31.

<sup>49</sup> Session Laws, 1890, Ch. 321.

<sup>50</sup> Assembly Journal, 1892, p. 31.

<sup>51</sup> Session Laws, 1892, Ch. 680.



1893<sup>33</sup> and 1894<sup>34</sup> Governor Fowler repeated his recommendations, and in 1893 such a bill was lost by a single vote.

The constitutional convention of 1894 again considered the matter of registration and adopted an amendment to prevent the legislature from enacting a state-wide personal registration law. This amendment prohibited the legislature from requiring personal registration on the first day of registration in cities and villages of less than five thousand population.<sup>35</sup> It was backed by the upstate delegates, who were afraid that a Democratic legislature might saddle the entire state with a personal registration law.

Minor changes were made in the registration law in 1896<sup>36</sup> and in 1897.<sup>37</sup> In 1898 the office of State Superintendent of Elections was created as an agency for the detection and prevention of election frauds, particularly fraudulent registration. At first the office confined its attention almost exclusively to New York City, but in 1911 the office was reorganized and made state wide. This office had a somewhat checkered career. In its early history under the administration of Superintendents McCullagh, Morgan, and Leary, judging from the number of arrests made and convictions secured, the work seems to have been done with some effectiveness.<sup>38</sup> About 1912, however, the office came to be dominated by Tammany. Only five convictions were secured between 1912 and 1921, when the office was abolished, and in two of these cases the defendants were given suspended sentences. In 1914 the Honest Ballot Association brought charges against Superintendent Voorhis before the Governor, but were unable to secure his removal.<sup>39</sup> By this time the

<sup>33</sup> Assembly Journal, 1893, p. 28.

<sup>34</sup> *Ibid.*, 1894, p. 25.

<sup>35</sup> Constitution of 1894, Art. II, Sec. 4. For the account of the debate in the convention, see Constitutional Convention Record, 1894, IV, 1807, *et seq.*

<sup>36</sup> Session Laws, 1896, Ch. 909.

<sup>37</sup> *Ibid.*, 1897, Ch. 397.

<sup>38</sup> For an exhaustive analysis of the work of the office of Superintendent of Elections in New York prior to 1910, see the report of Honorable William H. Wadhams, "The Work of the State Superintendent of Elections" (1910); unpublished manuscript in the library of the National Institute of Public Administration.

<sup>39</sup> Report of the Honest Ballot Association, 1917, p. 10.

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office was in bad repute, and served only to provide jobs the faithful. In 1921, under the administration of Governor Miller, because of the high annual cost of over \$200,000, with no results to show for it, the office was abolished.

In 1899 the challenge procedure was changed somewhat and the state law required the police in cities to investigate registration.<sup>89</sup> In 1901 Governor Odell recommended, along with other changes in the election law, the requirement of lodging house reports.<sup>90</sup> In 1903 he urged the adoption of the signature identification of the voters at the polls.<sup>91</sup> Minor changes were made in the registration law in 1901, 1902, and 1905. In the latter year Governor Higgins urged both the requirement of lodging house reports and the signature identification of the voter at the polls. The latter was finally adopted in 1908, applying to cities of more than fifteen thousand population,<sup>92</sup> and immediately had marked effect in New York City. The registration and vote fell off quite sharply in sections of the city where fraud had been strongly suspected.<sup>93</sup>

In 1911 and 1913 the legislature attempted to stiffen the registration law in the rural sections and towns of the state where personal application had not been required hitherto. The first law required personal application for registration on the first day in these sections, except for persons who had voted at the preceding election. The other law provided either for personal application by persons who had not voted in the preceding election or for application by affidavit signed by two witnesses.<sup>94</sup> Both acts were held to be unconstitutional.<sup>95</sup>

A few minor changes have been made in the registration law of New York since 1913. This brief history of the most important developments in the registration laws of the state shows

<sup>89</sup> Session Laws, 1899, Ch. 909.

<sup>90</sup> Assembly Journal, 1901, p. 38.

<sup>91</sup> *Ibid.*, 1903, pp. 27-28.

<sup>92</sup> Session Laws; 1908, Ch. 521.

<sup>93</sup> See an article by J. A. Lapp, *American Political Science Review*, III, 62 *et seq* (1910).

<sup>94</sup> Session Laws, 1911, Ch. 649; 1913 (Ext. sess.), Ch. 800.

<sup>95</sup> *Fraser v. Brown*, 203 N. Y. 136; *Rupert v. Rees*, 212 N. Y. 514.

the trends and the conflicts which took place. Particularly noteworthy is the conflict between New York City and upstate, caused in large part by the political strife in state affairs between these two sections. A strict registration system in New York City operated to reduce the total vote cast there, and the same was true upstate. Consequently, the Democrats constantly sought to secure a uniform registration law throughout the state, while the Republicans fought to tighten up the registration law for New York City, and opposed a uniform law.

This brief review also shows the constant tendency to extend registration, and to make the requirements more stringent. Within recent years no attempt has been made to simplify and improve the registration system. The danger of frauds in New York City has prevented this. It would be entirely feasible and practicable to provide an improved and simplified system of registration for the other cities of the state, but the Democrats of New York City would vigorously oppose any modification of the registration law for upstate without a similar change for New York City.

*Pennsylvania.* The first registration law of Pennsylvania, passed in 1836, which provided that the assessors of Philadelphia should make up lists of registered voters, remained unchanged until 1868, when it was supplanted by a state-wide act. This law provided special and more stringent provisions for the city of Philadelphia. It was held unconstitutional on the ground that it increased the residence requirements for voting in Philadelphia. The court took occasion to condemn the special provisions applying to Philadelphia as an unwarranted discrimination, and maintained that the old law had operated satisfactorily.\* Two judges dissented, Judge Reed saying:

I was counsel of Mr. Kneass in 1851, and of Mr. Mann in 1856, and from what I saw in those contested election cases, I was fully convinced that the election laws were utterly inefficient in preventing fraud, and subsequent experience has confirmed me in my opinion. In some districts of the city—

\* Page v. Allen, 58 Pa. St. 338.

“plague spots”—fraudulent voting is the rule, and honest voting the exception.

In 1869 the legislature enacted another state-wide registration law designed to remove the constitutional objections.” The assessors throughout the state were required to make up lists of qualified electors, but in Philadelphia this list was revised by a board of three canvassers. A qualified elector whose name was not included on the list could vote by affidavit, except in Philadelphia, where registration was compulsory.

A great deal of objection to the special provision for Philadelphia was raised in the constitutional convention of 1873. It was asserted that the registration has been corruptly administered in that city. The convention adopted an amendment to the constitution, requiring election laws to be uniform throughout the state and also providing that “no elector shall be deprived of the privilege of voting by reason of his name not being upon the registry.”<sup>a</sup>

This constitutional amendment nullified the special provisions in the registration law for Philadelphia, and made it impossible for the legislature to enact an effective registration law for the large cities of the state. The assessors, who prepared the list of qualified voters, were controlled by the local political machine. In the large cities these lists were inaccurate and highly inflated. Gross election frauds prevailed. From 1890 to 1900 it was estimated that from thirty thousand to eighty thousand fraudulent votes were cast at every contested election.” In 1904 there were 385,036 names upon the assessors’ lists in Philadelphia, while only 250,950 persons were actually registered in 1906, the first year of the operation of the personal registration law. In the corrupt wards of the city the decrease was very pronounced. In the eighth ward, for example, there

<sup>a</sup>Session Laws, 1869, p. 49.

<sup>b</sup>Debates of the Constitutional Convention, 1873, V, 164.

<sup>c</sup>Clinton Rogers Woodruff, Election methods and reforms in Philadelphia, *Annals*, XXVII, 181-204 (March, 1901).

were 6879 names upon the assessors' lists in 1904, but the total registration in 1906 was only 2824!"

In 1899 and 1901 the legislature passed a joint resolution to submit to a referendum vote a constitutional amendment which empowered the legislature to classify cities for the purpose of enacting registration laws.<sup>71</sup> The amendment was sponsored by the Municipal League of Philadelphia. It was vetoed by the Governor. An appeal was taken to the courts, which held that the Governor did not have the power to veto a proposed constitutional amendment.<sup>72</sup> The amendment was adopted by popular referendum in 1901.

The state legislature was tardy in making use of the power granted to it. In 1905 Governor Pennypacker urged the enactment of a personal registration law for cities,<sup>73</sup> but the legislature failed to act. During the following year the enactment of a personal registration law was included in the call of a special session. The legislature enacted a personal registration law for cities of the first and second classes,<sup>74</sup> and provided for the creation of a special registration commission in these cities<sup>75</sup> to carry out the law. In cities of the third class (which included all other cities of the state) personal registration was not provided, but the registration lists were to be prepared by registers appointed by the county boards, instead of by the assessors.

The office of assessor still exists, however, even for the cities with personal registration. No one may register who has not paid a poll tax, occupation tax, or some other form of state taxation within a period of two years, and to pay the poll tax, one must be listed by the assessor. In Philadelphia it is notorious that the assessors' lists are grossly inaccurate and inflated, and serve no useful purpose. The poll tax required in Philadelphia is only fifty cents, and payment serves to qualify one for two

<sup>70</sup>These statistics have been taken from the annual reports of the Registration Commission of Philadelphia.

<sup>71</sup>Session Laws, 1901, p. 881.

<sup>72</sup>Commonwealth v. Griest, 196 Pa. St. 396.

<sup>73</sup>House Journal, 1905, I. 72

<sup>74</sup>Session Laws, 1906 (Ext. sess.), p. 3.

<sup>75</sup>Philadelphia, Pittsburg; and Scranton.

years, but many persons are omitted by the assessor and find themselves unable to register. The total cost in 1924 of the preparing and printing the assessment lists was \$221,437.50, while the receipts from the poll tax amounted to only \$80,466.70, making a total net loss to the city of \$140,970.20 from this form of "taxation."

Minor changes were made in the registration law in 1907, and the legislature of 1909 appointed a special committee to investigate the question of registration and election administration. This committee drew up a registration code, which was enacted in 1911. At that time personal registration was extended to cities of the third class.<sup>16</sup> The only change of importance in the registration laws of the state since that time was the Dunn Act in 1921. This act provided that the previous registers should be supplied to the precinct registration officers, and that a person who had been registered in the precinct previously could register simply by signing his name, without answering the detailed questions.

The registration system of Pennsylvania is cumbersome, expensive, and inconvenient to the voter. It requires him to register in person every year. It had been supposed that the system successfully prevented voting frauds, but the recent investigations disclosed large scale frauds. In 1925 a permanent registration bill, drafted by the Philadelphia Bureau of Municipal Research, was introduced in the legislature, but was not favorably received. At the extra session called in 1926 by Governor Pinchot another permanent registration bill, applying to Philadelphia only, was introduced with the backing of the Governor's Committee of Seventy-Six on Election Affairs; it was likewise defeated. A similar measure failed to pass in 1927 and in 1929.

*Illinois.* The first registration law in Illinois was enacted in 1865.<sup>17</sup> Prior to that time gross frauds dominated most elections, and it became necessary to find some means to put a stop to them. Before 1854 Chicago was a stronghold of the Demo-

<sup>16</sup> Session Laws, 1911, p. 1014.

<sup>17</sup> Public Laws, 1865, p. 54.

cratic Party, and, as remarked by an old settler, "If the town pump had been nominated for mayor in those days on the Democratic ticket, it would have been elected." " Because of the absence of real contests, the worst frauds did not develop until the Republicans were strong enough to challenge the Democratic régime. For ten years preceding the enactment of a registration law, both sides continually interchanged charges of frauds. The two following quotations from the Chicago Tribune are typical of the times:

The main causes of our defeat are these: first, frauds of an enormous and most flagrant character. . . . In the Sixth Ward there were almost as many illegal votes as legal votes polled. Both parties canvassed the ward thoroughly before election, and agreed that there were about seven hundred votes in the ward, and yet over twelve hundred were polled on election day. Can any sane man doubt that the most disgraceful frauds were perpetrated? But for the illegal votes in Third Ward alone, Mr. Bryan (the defeated candidate) would be mayor of Chicago. The same frauds were perpetrated in Bridgeport and in other wards. A wagon load of voters openly attempted to vote in four wards, and finally succeeded in voting by leaving their wagon at a corner and scattering themselves around.

Early yesterday morning crowd after crowd of imported voters passed up Clark Street with their carpet bags in their hands, on their way to the depot, whence they took their departure for Joliet, Sycamore, and other places where they belong. They had accomplished their mission. They had received a dollar per head voted, and were satisfied."

A year later the following account is found in the Tribune:

The shameless manner in which the voting was carried on in the Seventh and Eighth Wards is the occasion of indignant comment all over the city. It is undoubted that both of these wards were carried by gangs of men who had already voted in the Fifth and Sixth Wards. For some reason, perhaps through the connivance of the Board of Police Commissioners, there was but

"M. L. Ahern, *Political history of Chicago, 1837-1887*, p. 23 (Chicago, 1886).

"*Chicago Daily Tribune*, April 23, 1863.

a single police officer at each precinct in these wards, and it was as much as a man's life was worth to challenge the cattle who came in droves of fifty and deposited their ballots, first in the Fifth, and afterwards in the Seventh and Eighth Wards. Some four men attempted to challenge these scamps at one precinct of the Eighth Ward, but O'Rafferty, he who is elected alderman, ordered the thing stopped, and threatened to throw the first man who objected into the gutter. There was a large gang of shoulder hitters around the polls, and had the attempts been made to continue the challenges, our men would have been driven from the ground."

The law of 1865 provided for registration prior to each election by the regular precinct election officers, but did not require personal application by the voter. Publication of the registration lists was authorized, but was not made compulsory. This law, virtually unchanged, remains upon the statute books of Illinois to-day, and applies to the entire state except cities which have adopted the City Election Act of 1885.

In 1874 the registration law was amended to exempt municipal elections from the application of the law.<sup>80</sup> The Citizens' Association of Chicago anticipated serious frauds in the municipal elections and made strong efforts to prevent them.<sup>81</sup> For several years this organization worked for an act to require registration for municipal elections, and finally succeeded in 1879.<sup>82</sup> Already, however, the weak registration law had proved an insufficient protection against voting frauds.<sup>83</sup> These frauds led to the passage of the City Election Act of 1885, which was immediately adopted by Chicago, and has since been adopted by nine other cities in the state.<sup>84</sup>

The act provided for a personal, biennial registration of electors, with a board of election commissioners to administer the law. With only a few minor changes it is still in effect in Chicago. In 1901 the legislature passed an act requiring lodging

<sup>80</sup> *Ibid.*, April 21, 1864.

<sup>81</sup> Public Laws, 1874, p. 96.

<sup>82</sup> Annual Report of the Citizens' Association, 1876, pp. 27-29.

<sup>83</sup> Public Laws, 1879, p. 160.

<sup>84</sup> Report of the Board of Election Commissioners of Chicago, 1915, p. 10.

<sup>85</sup> Public Laws, 1885.



house keepers to file with the election board, a month prior to every election, a list of male lodgers.<sup>86</sup> In 1917 a statute was passed providing for central registration at the office of the election board, except at the start of a new registration, every two years.<sup>87</sup> The election board of Chicago was opposed to the act, and took a test case to the Supreme Court to have it declared unconstitutional. The board maintained that the act was unworkable, and the court held it void upon a technicality.<sup>88</sup> The other cities of the state are operating under a similar act passed at the same session.<sup>89</sup> Amendments to the law to provide quadrennial instead of biennial registration, and to lower the excessive cost have been pushed within recent years by the Chicago Bureau of Public Efficiency, but the political machines of Chicago have vigorously opposed any change. In 1927 the law was amended to provide quadrennial registration.<sup>90</sup>

The registration system in Chicago operated with a substantial amount of satisfaction down to about 1908, owing in large part to the early vigorous administration under County Judge Orrin C. Carter, who used his powers as the appointing officer of the board of election commissioners to maintain honest elections. In that year a special grand jury was called to investigate the conduct of elections, and it made 179 indictments, principally of precinct election officers. The persons indicted were freed when the primary law under which the election in question had been held was declared to be unconstitutional. From this time on, election frauds were common in hotly contested elections. The annual report of the Citizens' Association for 1919 contains the following statement:

It has been a matter of common knowledge in Chicago during recent years that thousands of fraudulent votes have been counted in each election in certain wards.

<sup>86</sup> *Ibid.*, 1901, p. 169.

<sup>87</sup> *Ibid.*, 1917, p. 460.

<sup>88</sup> *People v. Leuders*, 283 Ill., 287.

<sup>89</sup> *Public Laws*, 1917, p. 445.

<sup>90</sup> *Ibid.*, 1927, p. 443.

Since that year the election frauds in Chicago have become worse. In other cities of the state the registration law has operated without serious frauds, but in Chicago it has entirely broken down." The registration act which was well suited to the needs of the city of Chicago in 1885 is not at all adapted now. Within the last several years County Judge Edmund K. Jarecki has made a vigorous effort to secure honest elections, sentencing numerous precinct election officers, guilty of frauds, to serve jail terms. This has been done under the power of the County Judge, as chief election officer, to punish precinct officers who violate the election laws, for contempt of court. A jury trial is not required in such cases. Despite these convictions, however, and despite the fine work of the Citizens' Association, the Bar Association, and other civic organizations, election frauds still prevail in Chicago. Grand jury investigations, criminal prosecutions and convictions and thousands of volunteer watchers have not been able to put a stop to frauds caused by the fundamental defects of the election and registration law.

*Indiana.* It was not until 1911 that Indiana enacted a registration law which was held valid by the courts. For fifty years serious attempts had been made to secure such a law, and several statutes were passed, only to be held unconstitutional. Governor Lane in 1861 pointed out the existence of election frauds and urged a revision of the election laws.<sup>81</sup> A registration bill was introduced that year, but was lost.<sup>82</sup> In 1865 the lower house adopted a resolution calling upon the judiciary committee to inquire into the expediency of registration and other election reforms, but the committee failed to make any report.<sup>83</sup> Governor Morton said in his message of 1867:

It is a notorious fact that under our election laws, men go to the polls and vote, who at the time have not the right to vote anywhere; that men vote in precincts and townships where they

<sup>81</sup> See Appendix 2.

<sup>82</sup> House Journal, 1861, p. 62. The most useful source of materials for the history of registration laws in Indiana is by Charles Kettleborough, *Constitution making in Indiana* (Indianapolis, 1916).

<sup>83</sup> House Journal, 1861, pp. 161, 308, 392.

<sup>84</sup> *Ibid.*, 1865, p. 111.

do not reside, and often several times the same day, at different places and sometimes at the same place. The oath which is prescribed by law to be administered to persons whose votes are challenged, has been found practically to furnish but little security against fraudulent voting."

The governor pointed to the Illinois law as a model. The legislature enacted a registration law that year, but it was held unconstitutional."<sup>6</sup>

In 1873 Governor Hendricks urged the passage of a constitutional amendment to give the legislature power to enact a registration law."<sup>7</sup> The necessary resolution was passed by the legislature in that year, but was lost in the succeeding legislature. In 1877 Governor Hendricks again urged a constitutional amendment, which was acted upon favorably by the legislature."<sup>8</sup> Governor Williams in 1879 also supported the amendment,"<sup>9</sup> and the resolution to submit it to the voters was again passed, by an almost unanimous vote. Though the amendment was declared null and void by the Supreme Court,<sup>1</sup> nevertheless, it was submitted to a popular vote in 1881 and adopted by a substantial majority. In his message to the legislature of 1881, Governor Porter made a very strong plea for the amendment.<sup>2</sup>

In 1889 the legislature passed an act requiring, among other provisions, that persons who had been absent from the state for six months or who had resided in the state less than six months should register with the clerk of the circuit court, three months before the election at which they intended to vote. This act was held unconstitutional.<sup>3</sup> In 1891 the legislature reenacted the same provision, but lowered the time required for registry

<sup>6</sup> Senate Journal, 1867, pp. 26-29.

<sup>7</sup> State v. Quinn, 35 Indiana 485 (1869).

<sup>8</sup> House Journal, 1873, p. 80.

<sup>9</sup> House Journal, 1877, p. 34.

<sup>10</sup> Ibid., 1879, p. 31.

<sup>1</sup> Kettleborough, *op. cit.*, I, cxii.

<sup>2</sup> House Journal, 1881, p. 81.

<sup>3</sup> Morris v. Powell, 125 Indiana 423 (1890).

of intention to become a qualified voter to fifty-nine days prior to the election. This act was also held to be invalid.<sup>4</sup>

Bills providing for registration were introduced in 1897, 1905, and 1907, but all were lost. In 1909 Governor Hanly urged the passage of a registration act,<sup>5</sup> but no bill was introduced. The prime difficulty in securing a registration law was the court decision which had held that registration laws must apply uniformly to all parts of the state and to all classes of voters.<sup>6</sup> The rural members of the legislature were opposed to any registration for rural sections.

In 1911 the legislature passed a registration law for the entire state which was upheld.<sup>7</sup> In the same year was passed a voluminous amendment to the constitution (the so-called Marshall Constitution), which authorized the legislature to enact a distinct and separate registration law for cities of over fifty thousand population. This amendment was held to be invalid by the courts and was never submitted to popular vote.

From 1911 to 1921 every session of the legislature, except that of 1915, revised and substantially altered the registration law. In 1917 central registration conducted by county officers was provided in an unusual law which required the voter to answer such questions as:

If the real estate on which you reside is not owned by you, then give the name of the owner of the real estate?

Of what material is the house built in which you live?

How many stories high is it?

Give full name of your nearest neighbor?

Where have you resided in the last year—give dates?<sup>8</sup>

This act was repealed in the following session of the legislature, and precinct registration was again adopted. In 1921 the farmers in the legislature were determined to do away with

<sup>4</sup> Brewster v. McClelland, 144 Indiana 423 (1895).

<sup>5</sup> Senate Journal, 1909, p. 55.

<sup>6</sup> Brewster v. McClelland, 144 Indiana 423 (1895).

<sup>7</sup> Session Laws, 1911, p. 371.

<sup>8</sup> *Ibid.*, 1917, p. 443.

registration altogether, but the advocates of registration secured a compromise by uniting upon a bill which would be acceptable to the rural sections. The act of 1921 provided that the registration conducted in 1922 should be permanent, and that thereafter the precinct registration officers should meet for one day only prior to each election to prepare a new registration list. The register was to contain the names of all persons who were previously registered except those who had died or moved away, and also the names of persons who applied for registration.<sup>9</sup> A provision was made whereby three hundred voters of any county could petition to have a new registration conducted, and, as anticipated, in the counties with large cities such petitions were filed and a new registration held in 1924.

In 1925 the law was amended to do away with the precinct sessions altogether, creating a county registration board, consisting of the county auditor and one person appointed by him upon the recommendation of the county chairman of the opposite major political party.<sup>10</sup> The board was required to hold registration sessions at the county seat, at which time the names of all persons voting at the preceding election were transferred from the poll books to the registers, and other names were entered upon personal or written application.

This system was fundamentally defective in a number of particulars. It did not apply to primaries, at which most frauds are committed. The registers were originally compiled from the poll books of the preceding election, and consequently contained nothing but the name of these electors—not even the addresses. The law provided that any elector could submit a written application for registration, taken before a person authorized to administer oaths, or signed by two witnesses. This had been a part of the registration law for a number of years, but with precinct registration sessions was rarely used. After the precinct sessions were done away with, it was extensively used. The party organizations had their political workers made notaries

<sup>9</sup> *Ibid.*, 1921, Ch. 273.

<sup>10</sup> *Ibid.*, 1925, Ch. 138.

so that they could register their voters. This virtually made the precinct politicians registration officers. The practice led to grave abuses," and the act was repealed in 1927," leaving the state without any registration at all for the 1928 elections. In 1929 the Indiana League of Women Voters backed a permanent registration bill, patterned after the report of the National Municipal League committee. The bill passed both houses of the legislature, but was killed by a pocket veto. The state is still without a registration law.

**The Movement for Registration Improvement.** The historical trend of registration laws has been constantly to extend the application, and, as voting frauds occur, to make the system more and more stringent. The result is that registration in many states has become expensive, cumbersome, inconvenient to the voter, and yet not particularly effective in preventing frauds. Most registration laws have been enacted without an understanding of the fundamental problems involved, or of the practice in other states. Within recent years there has developed a definite, widespread movement for simplification and improvement of registration. This movement has centered around the principle of permanent, central registration.

Boston has had permanent registration since 1896. The system there has been successful, not because of the procedure and records used, but because the system of annual listing of all adults by the police made it possible for the registration authorities to purge the lists thoroughly every year. In 1911 the Wisconsin legislature enacted a permanent registration law for Milwaukee, providing for card records and the purging of the registration records by means of a police canvass. The system of registration and elections prior to that time was fundamentally defective, and frauds were prevalent. The election of 1912 in Omaha was marked by grave irregularities and gross frauds, which were brought out in an election contest before the Ne-

<sup>11</sup> See page 199.

<sup>12</sup> Session Laws, Ch. 195.

braska legislature in 1913.<sup>19</sup> A number of influential citizens of Omaha got together and drafted a new election law to do away with these election frauds. A single election commissioner with full power and responsibility was provided, and a permanent, central registration upon loose-leaf records was adopted.<sup>20</sup> The principal ideas of the drafters of the law were to centralize power and responsibility for the conduct of elections, to do away with bi-partisan machine control, and provide for permanent registration. The law was essentially new, though some features were adopted from other states. The existence of permanent registration in Boston and Milwaukee was probably unknown to the framers of the law.

In 1915 Oregon provided for permanent registration throughout the state,<sup>21</sup> largely as a means of stimulating registration and voting. The law provided for card records, and was administered by the county clerk. The act was drafted without knowledge of permanent registration systems in operation elsewhere. A number of other states have adopted permanent registration, but systems fundamentally defective and not the result of serious movements for registration improvement.

The Chicago Bureau of Public Efficiency has been particularly interested in registration because of the high cost in Chicago. In 1922 Mr. George C. Sikes of the Bureau made a trip to the largest cities of the country to study their registration systems, and in the following year a report on the subject of registration was published,<sup>22</sup> recommending permanent, central registration for Chicago.

The activities of the Chicago Bureau of Public Efficiency did not result in a modification of the registration system of Chicago, but the recommendations received wide attention from civic organizations. The Minnesota permanent registration law

<sup>19</sup> N. P. Dodge, Dodge honest election law. (Published by author, Omaha).

<sup>20</sup> Session Laws, 1913, p. 116 *et seq.*

<sup>21</sup> *Ibid.*, 1915, Ch. 225.

<sup>22</sup> Chicago Bureau of Public Efficiency, Proposed system of registering voters (1923).

for cities of over fifty thousand, adopted in 1923, was patterned after these recommendations." Mr. F. L. Olson, at that time director of the Minneapolis Bureau of Municipal Research, was instrumental in securing the enactment of this law, and assisted in putting it into operation. In 1926 New Jersey passed a permanent registration law for cities of fifteen thousand population and over. The bill was drafted by Mr. John B. Blanford of the Newark Chamber of Commerce, and followed the Minnesota law.<sup>17</sup> The Bureau of Municipal Research of Philadelphia, the Citizens' League of Cleveland, and the Public Service Institute of Kansas City, Missouri, have pushed sound permanent registration bills for several years. The Citizens' League bill was passed by the Ohio legislature in 1929. The municipal research bureaus of a number of other cities have recently started to work for an improved registration system. The National League of Women Voters adopted registration as a question for study and investigation in 1925, and Miss Helen Rocca of that organization published a pamphlet upon the subject.<sup>18</sup> A series of articles by the author describing the registration systems of Milwaukee, Omaha, San Francisco, and Boston, were published in the *National Municipal Review* in 1925 and 1926.<sup>19</sup> In January, 1927, the Committee on Election Administration of the National Municipal League published a report on "A Model Registration System."<sup>20</sup> Registration bills based upon this report were introduced in the legislatures of New York, Pennsylvania, Ohio, Wisconsin, Iowa, Missouri, Washington, and California during the legislative sessions of 1927, and were passed in Iowa, Wis-

<sup>17</sup> Minnesota Session Laws, 1923, Ch. 305. See also, F. L. Olson, Permanent registration successful in Minneapolis, *National Municipal Review*, XIII, 488-92 (September, 1924).

<sup>18</sup> Session Laws, 1926, Ch. 328.

<sup>19</sup> Registration laws, (December, 1925).

<sup>20</sup> Milwaukee, October, 1925; San Francisco, April, 1926; Boston, September, 1926; Omaha, November, 1926.

<sup>21</sup> Supplement to the *National Municipal Review*, XVI, 45-86. The author served as secretary of the committee, which consisted of six prominent election officers and nine other persons who have been active in election improvement. Part of this report is essentially reproduced in Chapter II.



consin, Ohio, and Washington, but were vetoed in the last two states.<sup>22</sup> In 1928 a similar bill passed the Kentucky legislature, but was vetoed. In 1929 permanent registration bills were introduced in Ohio, Pennsylvania, Indiana, Michigan, Missouri, and California. They were lost in Pennsylvania, Missouri, and California; and passed in Ohio, as above stated, and in Michigan. The veto in Indiana has already been mentioned. Practically every large city in the country is now considering or actively working for an improved registration system.

A number of states have recently adopted permanent registration laws which are essentially defective.<sup>23</sup> These states have acted upon the idea that permanent registration may be adopted without otherwise altering the existing obsolete system. With the demand for a more convenient registration system as a means of getting out the vote, the movement for permanent registration has spread rapidly; but, unfortunately, permanent registration has not in all cases resulted in improvement. A number of the recent laws will sooner or later have to be substantially amended or thrown overboard altogether.

<sup>22</sup> For a fuller account of recent developments, see my articles: *Progress of permanent registration for elections*, *National Municipal Review*, XVII, 155-57 (March, 1928); *permanent registration*, *American Political Science Review*, XXII, 349-53 (May, 1928).

<sup>23</sup> Indiana, Delaware, Kentucky, and Idaho.

## CHAPTER IV

### EXTENT AND TYPES OF REGISTRATION

**The Extent of Registration Laws.** Some form of registration is to be found in every state in this country, with the exceptions of Arkansas, Indiana, and Texas.<sup>1</sup> In eleven states, however, the registration laws apply only to cities of a certain population, though in several states they apply also to the most populous counties.<sup>2</sup> There are only a few states which have the same system of registration throughout the state. As a general rule more elaborate and strict requirements are provided for cities than for rural sections. The registration laws commonly classify

<sup>1</sup>The Arkansas Constitution prohibits the enactment of registration laws (Art. III, Sec. 2), and the Constitution of Texas permits registration only in cities of 10,000 population and over. (Art. VI, Sec. 4.) These states, however, require the payment of a poll tax as a qualification for voting, and the assessment of poll taxes corresponds somewhat to a registration system. Indiana repealed its registration law in 1927.

<sup>2</sup>States with registration laws of limited application

| States             | Application of Registration Laws   |
|--------------------|--|
| Iowa .....         | Cities of 6000 population and over.  |
| Kansas .....       | Cities of 2000 population and over.  |
| Kentucky .....     | Cities and towns of the first to fourth classes and Jefferson county.  |
| Minnesota .....    | All municipalities.  |
| Missouri .....     | Cities of over 25,000 and counties of over 100,000 population.   |
| Nebraska .....     | Cities of 7000 population and over. No provision is made for cities of between 25,000 and 40,000 population, but there are no cities of this size in the state at present.                             |
| North Dakota ..... | Cities and villages of 800 population and over.  |
| Ohio .....         | Cities of 11,800 population and over.  |
| Tennessee .....    | Cities or civil districts of 2500 population and over, and counties of 50,000 population and over.   |
| Wisconsin .....    | Cities, towns and villages of 5000 population and over, but places of less population may adopt registration.  |
| Wyoming .....      | Municipalities in which more than 400 votes were cast at the last general election, and outlying precincts located on a railroad, in which more than 200 votes were cast at the last general election. |

cities upon the basis of population, and contain different provisions for each class.\*

The problem of registration in rural sections, villages, and small cities is quite different from that in large cities. The population of the former is relatively stable, and the voters are usually personally known to one another and to the election officers, while in the large cities the residents are largely unacquainted with one another. The city election officers are usually acquainted with only a negligible number of the voters of the precinct. The appearance at the polls of a person who is not personally known by some member of the board arouses no suspicion. These differences have a manifest effect upon the conduct of elections. Fraudulent voting by means of impersonation, "repeating," or padded registration is easily done in large cities which do not have thorough registration, but such practices in rural sections cannot be carried on without the connivance of the precinct officers. It would be a mistake to assume that there are no frauds or irregularities in rural sections and small cities or towns; some of the worst cases have been unearthed in such communities. The conduct of elections in many rural sections is well known to be grossly irregular, but voting frauds are comparatively rare.

In another respect registration in rural sections is different from that in cities; namely, the rural voter may have to travel miles to register, while the urban voter usually has to go only a few blocks from his residence. Before the days of the automobile and improved highways this was a very cogent argument against the application of registration laws to rural sections, and it still has some validity. If a new personal registration of all voters is conducted every one, two, or even four years, it would obviously work a hardship upon the rural voters. Every state with a large city differentiates between rural and urban sections. The

\* For example, New York State has a separate registration system for cities of 15,000 population and over, another for cities of from 5000 to 15,000 population, and a third for places outside of cities of over 5000 population. Certain provisions also apply only to New York City.

system which is effective in the large city would be unduly burdensome upon rural voters, and likewise that which suffices for rural precincts would be of no avail against voting frauds in large cities. It is quite feasible, however, to have a uniform law throughout a state, provided a sound system of permanent registration is adopted, and if the local officers are given sufficient discretion to adapt the administration (particularly the purging of the registers and the use of investigations) to the local needs. No state employs a rigorous or inconvenient system of registration for rural sections. In a number of states the rural registration officers prepare the lists without personal application by the electors, while other states which require registration in rural sections provide a permanent system.

There is considerable difference of opinion between well informed persons as to whether registration should be required in rural communities. Certainly the cumbersome, expensive, and inconvenient procedure to be found in the largest cities should not be extended to rural sections, notwithstanding the contention which is sometimes made that the urban voter is discriminated against if registration is not uniform throughout the state.<sup>4</sup> If a method of registration can be devised which will be inexpensive, convenient to the rural voter, and at the same time afford substantial protection against fraudulent voting, it would be wise to apply it to rural sections. While fraudulent voting in rural sections is uncommon, there are numerous instances which show that if there is no registration, or a weak system, voting frauds are committed in hotly contested elections. In St. Louis County, Missouri, for example, prior to the recent enactment of a registration law, the elections had been marked for years by "repeating," impersonation, and other types of frauds. The same has been true of the rural sections adjoining Pittsburgh, Philadelphia, Chicago, Kansas City, and a number of other cities. But rural voting frauds are not confined to the vicinity of large cities; in a New Jersey town the best citizens recently imported "floaters"

<sup>4</sup>Democratic politicians in New York City take this position.

to swing an important bond election, and in one county of Arkansas, a few years ago, persons who had moved away years previously, were voted.<sup>5</sup>

Several states, including Oregon, Nevada, and Montana, have permanent registration systems which are admirably adapted to the needs of rural communities and towns. The rural voter does not change his residence frequently, and hence permanent registration causes him little inconvenience. The cost of registration in these states is negligible, and it is effective in preventing frauds.

Registration is usually applied alike to all elections, but in a few states this is not the case. In the State of Illinois, outside of Chicago and a few other cities, registration is not required for primaries, and in a few other states it is not required for school or special elections. A few states have a separate and distinct registration for municipal elections.<sup>6</sup> Little if any defense can be made of the practice of having two registration systems within the same jurisdiction. This not only doubles the expense, ordinarily, but also doubles the inconvenience to the voters and leads to confusion.

Registration should apply alike to all elections, and there should be only one system for any jurisdiction. If it is not required for primary, special or school elections, fraudulent voting sooner or later appears in these so-called "minor elections." The primaries are ordinarily more important than the general election itself. It is well known that election frauds are more prevalent in the primaries than in the general elections.

**Permanent Versus Periodic Registration.** Systems of registering voters may be classified as permanent or periodic, depending upon the frequency of new or general registrations. Permanent registration, as the words imply, means that the elector is permanently registered, while other systems, which

<sup>5</sup> These are only a few examples of rural frauds found in various parts of the country, which were recounted to the writer.

<sup>6</sup> Idaho, Georgia, and parts of Colorado and West Virginia.

we shall call periodic, require all electors to re-register when a general registration is held, every one, two or four years.' To be sure, even under permanent systems the elector must re-register when he changes his residence, though some permanent systems permit transfers to be made within the city or county. Under all systems, supplementary registrations are ordinarily conducted before each election, in order to take care of new voters. Under periodic registration the existing lists are discarded and entirely new records opened when a general registration is held, while under permanent systems the lists are corrected from time to time, but are never discarded, for a general registration is held only when the system is started.

Some further distinctions may be pointed out. Periodic registration is almost always conducted by precinct officers upon specified days and by formal sessions in every precinct, while permanent registration is usually conducted without regard to precinct lines at a central office or also at outside branch offices in the larger cities and in rural sections.\* Under periodic systems there are only a few days during the year on which the voter may register, while under permanent systems he may register at any time throughout the year."

The extent of permanent and periodic forms of registration is indicated below:

*Permanent Registration*

| State            | Where used   |
|------------------|--|
| Alabama .....    | State wide.  |
| Colorado .....   | In places of over 2000 population.                   |
| Connecticut .... | State wide.  |
| Delaware .....   | State wide.  |
| Florida .....    | State wide, except cities of over 20,000 population. |
| Georgia .....    | State wide.  |
| Idaho .....      | State wide.  |
| Iowa .....       | In cities of over 15,000 population.                 |
| Kansas .....     | In all cities of less than 80,000 population.        |
| Kentucky .....   | Wherever registration is required.                   |

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\*In South Carolina a new registration is conducted every ten years, and in parts of Nebraska every six years.

"There are some exceptions to this rule. California conducts periodic registration without formal precinct sessions, and a few states with permanent registration use precinct sessions.

"For treatment of the time and place for registration, see Chapter VIII.

## REGISTRATION OF VOTERS

*Permanent Registration—Continued*

| State                      | Where used                                       |
|----------------------------|--|
| Louisiana .....            | State wide, except New Orleans.                  |
| Maine .....                | State wide.                                      |
| Maryland .....             | State wide, except Baltimore.                    |
| Massachusetts ..           | State wide.                                      |
| Michigan .....             | State wide after 1932.                           |
| Minnesota .....            | In cities of over 10,000 population.             |
| Mississippi .....          | State wide.                                      |
| Montana .....              | State wide.                                      |
| Nebraska .....             | Douglas County (including Omaha).                |
| Nevada .....               | State wide.                                      |
| New Jersey....             | In cities of over 15,000 population.             |
| North Carolina..           | State wide.                                      |
| Ohio .....                 | In cities of 16,000 population (effective 1930). |
| Oklahoma .....             | State wide.                                      |
| Oregon .....               | State wide.                                      |
| Rhode Island....           | State wide, but for property taxpayers only.     |
| Utah .....                 | State wide.                                      |
| Virginia .....             | State wide.                                      |
| Wisconsin .....            | In cities of over 5,000 population.              |
| Total number of states—29. |  |

*Periodic Registration<sup>10</sup>*

| State             | Frequency<br>of new<br>registration<br>(years) | Where used  |
|-------------------|--|---|
| Arizona .....     | 2.....   | State wide.   |
| California .....  | 2.....   | State wide.   |
| Florida .....     | 2.....   | In cities of over 20,000 population.                                    |
| Georgia .....     | 1.....   | State wide for municipal elections.                                     |
| Illinois .....    | 4.....   | Chicago and seven other cities.   |
| Iowa .....        | 4.....   | In cities of from 6000 to 15,000 population.                            |
| Kansas .....      | 4.....   | In cities of over 80,000 population.                                    |
| Louisiana .....   | 4.....   | State wide.   |
| Maryland .....    | 4.....   | Baltimore.  |
| Missouri .....    | 2.....   | In cities of from 25,000 to 100,000 population.                         |
| Missouri .....    | 4.....   | In cities and counties of over 100,000 population.                      |
| Nebraska .....    | 4.....   | In cities of from 40,000 to 100,000 population.                         |
| Nebraska .....    | 6.....   | In cities of from 7000 to 25,000 population.                            |
| New York .....    | 1.....   | In cities of over 15,000 population.                                    |
| Pennsylvania ..   | 1.....   | In cities of all classes.   |
| Rhode Island....  | 1.....   | State wide for non-property taxpayers.                                  |
| South Carolina .. | 10.....  | State wide.   |
| Tennessee .....   | 2.....   | In cities of 5000 population and in counties of over 50,000 population. |

<sup>10</sup> This does not include states in which the precinct officers prepare registration lists without personal application by the elector. Such registration, while periodic in form, is actually permanent in character. For an account of this system and a table indicating where it is used, see pages 101-02.

*Periodic Registration—Continued*

| State                      | Frequency of new registration (years) | Where used                                 |
|----------------------------|---------------------------------------|--|
| Tennessee .....            | 4.....                                | In cities of from 2500 to 5000 population. |
| Washington .....           | 2-4.....                              | State wide.                                |
| Wyoming .....              | 2.....                                | Where registration is required.            |
| Total number of states—18. |                                       |  |

*Frequency of Registration in the Largest Cities*

| Annual                  | Biennial      | Quadrennial          | Permanent       |
|-------------------------|---------------|----------------------|-----------------|
| New York City           | Los Angeles   | Chicago              | Boston          |
| Philadelphia            | San Francisco | Detroit <sup>2</sup> | Milwaukee       |
| Cleveland <sup>1</sup>  | Seattle       | Baltimore            | Minneapolis     |
| Pittsburgh              | Memphis       | St. Louis            | St. Paul        |
| Buffalo                 |               | New Orleans          | Omaha           |
| Rochester               |               | Kansas City          | Denver          |
| Cincinnati <sup>1</sup> |               |                      | Portland (Ore.) |
|                         |               |                      | Louisville      |
|                         |               |                      | Birmingham      |

<sup>1</sup> Permanent registration will be started in 1930.

<sup>2</sup> To be permanent after 1932.

**Annual Registration.** Annual registration is used principally in the largest Eastern cities, where it is deemed necessary because of the mobility of the population and the danger of fraudulent voting. Since it involves a complete new registration every year, it is the most expensive, and also the most inconvenient system for the voter. It is defended upon the ground that it effectively prevents voting frauds, for the slate is wiped clean every year. The new annual registration is conducted only a few weeks before the principal election of the year, and consequently the register should be accurate for that election. The number of registered voters who die or move out of the precinct before the day of the following election is negligible, though it should be noted that usually little or no precaution is taken to guard against padding the registers with the names of fictitious persons. No house-to-house canvass of registered voters is usually made.

A close scrutiny of the days of registration and election in New York, Pennsylvania, and Ohio will reveal that annual systems do not provide clean lists for all elections. In New York the registration days come on the week beginning the twenty-ninth day prior to the regular fall election. This provides a clean list (aside from the danger of padding) for this election.



No revision and ordinarily no investigation is made prior to the annual primary, which is held in September of the following year, or prior to the spring primary in presidential election years or special elections. The registration lists at the primaries are obviously out of date, for they are practically a year old, and are used without revision. During the year there are always many removals and deaths.

In Philadelphia, in odd numbered years, a new registration is conducted in August and September, before the municipal primary. It should be accurate for the municipal primary, but by the following November election it is defective, for in the two intervening months occurs the fall moving period.<sup>1</sup> The same registration, without being revised, is used in the spring primary of the following year, and by that time it is even more defective. In even numbered years two of the three days for registration occur during September, with the result that the registers probably contain the names of many voters who have moved before the regular fall election in November. Ohio cities formerly had annual registration during October, but no revision was made before the primaries or special elections of the following year.

Annual registrations are timed especially for the regular fall elections, and leave the other elections largely out of account. Although annual registration is supposed to produce accurate lists of voters, it is well known that some of the worst election frauds within recent years have occurred in Philadelphia, Pittsburgh, Jersey City, New York, and other cities with this type of registration. The emphasis is placed upon the routine clerical work of recording applications for registration, and little or no money is spent in making investigations and keeping the lists revised. Annual registration is based upon the fundamental assumption that it is not practicable to keep the lists corrected

<sup>1</sup> Recent investigations by the Philadelphia Registration Commission prove this to be the case. In sixty-two precincts investigated between October 15, 1925, and January 1, 1926, it was found that 1368 registered voters had moved, or an average of twenty-two to the precinct.

from year to year, and for this reason the bother of yearly re-registration is placed upon the mass of voters.

**Annual Non-Personal Registration.** This type of registration is annual in form, but practically permanent in operation. The precinct officers prepare annually a list of persons whom the law hopefully states, "they know to be qualified to vote," and the individual voter is not required to make application. As the law is carried out, the precinct boards meet on the specified days and copy the register of the previous year, making a few corrections and additions. After the list has been made and posted, as required by law, the board meets again for revision and correction. The real purpose of the second meeting is to permit persons who have been omitted to apply to be registered. The precinct officers remain in session all day with practically nothing to do other than to draw the official compensation.

This method of registration is believed to fit the needs of smaller cities, towns, and rural sections, where the danger of voting frauds is relatively small. The principal advantage of the system is that the average voter never has to bother about registration at all. In some rural sections and towns many voters probably do not know that a registry list is prepared. The board is supposed to see to it that all qualified persons are included on the list. Unfortunately, such happy operation does not always exist, and many persons, especially in cities, find themselves omitted from the list after the close of registration.

Wherever this system is used it leads to greatly inflated registration lists, for the precinct boards are generally negligent about correcting the lists from year to year. In some states where they are not required to turn in the old lists, they do not even bother to make a new copy. A defective and inflated registration is a questionable safeguard against fraudulent voting. In actual operation the system usually works well enough until a hotly contested election takes place, when it is apt to break down altogether. It is to be found principally in rural communities and towns, where personal acquaintance of the residents makes voting frauds difficult, except through collusion of the precinct

election officers. Communities of this kind could get along as well without registration. In larger cities this type of registration leads to constant charges of fraud. Everywhere it is fairly expensive, since it requires one or more sessions of the election officers in each precinct, who must be paid whether their work is much or little.

The prevalence of this form of registration is indicated by the following statement:

| State         | Annual Non-Personal Registration   | Where used |
|---------------|--|------------|
| Colorado      | Places of less than 2000 population.   |            |
| Illinois      | State wide, except Chicago and nine other cities which have adopted the Cities Election Act of 1885. |            |
| Minnesota     | State wide, except in cities of over 10,000 population.  |            |
| New Jersey    | State wide, except in cities of over 15,000 population.  |            |
| New Hampshire | State wide.  |            |
| New Mexico    | State wide.  |            |
| New York      | State wide, except in cities of over 5000 population   |            |
| North Dakota  | State wide.  |            |
| Pennsylvania  | Outside of cities.   |            |
| South Dakota  | State wide.  |            |
| Vermont       | State wide.  |            |
| West Virginia | State wide.  |            |

**Biennial and Quadrennial Registration.** Annual registration and biennial registration are different only in degree. Practically all that has been said about the former is applicable to the latter. Biennial registration is somewhat less expensive and more convenient for the voter, but as between annual registration and permanent registration, it approaches the former. Biennial lists are seriously defective after they are a year old, or even less, and unless they are purged before succeeding elections, they are likely to lead to frauds.

Quadrennial registration works well in Detroit, Baltimore, and St. Louis, but does not give satisfactory results in Kansas City (Missouri). There is obviously some merit to the contention that a new registration should be started with every presidential election.<sup>22</sup> It is undoubtedly true, however, that in a large

<sup>22</sup>In Baltimore, however, the new registration is started on the even number year between presidential elections. This arrangement, doubtless, was designed to give the Democrats an advantage in state elections, since many Republican voters do not take the trouble to register and vote until the presidential election year.

city the lists are seriously defective after the first year, unless they are thoroughly corrected. This is especially the case in large cities with mobile populations. The need of a thorough purging is as great with quadrennial registration as with permanent registration. If effective means are found to revise the registers during the four-year period, it would seem to be altogether reasonable and logical to make the registration permanent.

Quadrennial registration is somewhat less expensive than annual or biennial, and is somewhat more convenient for the mass of voters. Most existing quadrennial systems, however, use obsolete records, costly precinct sessions, and a cumbersome procedure, and accordingly are quite expensive. They do not, as a rule, permit transfers to be made, and for this reason they cause the individual voter considerable bother. Many persons move during the four-year period and have to re-register after each change of residence.

**Permanent Registration.** There is a widespread movement for permanent registration, primarily due to the desire to make the voting process more convenient. The following statement made to the author by one of the best informed men on election matters on the Pacific Coast tersely states the case for permanent registration:

Why should I be required to register every year or so? Is there any more reason for it than there would be in requiring me to go down to the postoffice every year to tell the postmaster that I still reside at the same address, and still want my mail delivered to that address? <sup>13</sup>

The merits of permanent registration are obvious. It saves the voter the trouble of having to register frequently, and also substantially reduces the cost of registration to the taxpayer. Under all systems of permanent registration the voter remains registered as long as he continues to reside at the same address,<sup>14</sup> and under some permanent systems provision is made for trans-

<sup>13</sup> Honorable W. W. Connor, Seattle.

<sup>14</sup> There are, however, a number of states which cancel the registration of registered electors who fail to vote within a two-year period, or at the regular biennial fall election.

fers, whereby the voter need register only once as long as he continues to reside in the same city or county. In Boston the transfers are made upon the basis of the police listing of all adults and without any bother at all to the voter, while in Milwaukee, Minneapolis, and St. Paul the voter may transfer his registration by sending to the election office a signed request.<sup>15</sup> Permanent registration with a good method of transfer involves a minimum of trouble to the electorate.<sup>16</sup>

**Comparative Results of the Different Systems.** A comparison of the cost under these systems is made in the table on the following pages.

The low cost of permanent registration in comparison with periodic systems is particularly noticeable. This is not fully indicated by the averages of the different groups, owing to the fact that Boston has an unusually high cost for a permanent registration, and consequently pulls up the average for the group very greatly. The average for the other permanent registration cities is only 17.4 cents per voter annually, or only about one-fourth of the average cost in cities with periodic registration. Annual registration, to be sure, is the most expensive method, with biennial and quadrennial slightly less expensive.

It is easy to understand why the cost of permanent registration is only a fraction of the cost of other types. The necessity of conducting an entirely new registration every year or so is done away with. There is no need for expensive precinct registration sessions with an army of precinct registration officers, owing to the fact that the few persons who become qualified to register each year may be handled at a very small cost at the main office, supplemented perhaps in the largest cities by a few sessions in various parts of the city. Most permanent systems provide some means for the transfer of registration from one address to another within the same city, and transfers can be

<sup>15</sup> For a further account of the various transfer provisions, see Chapter VIII.

<sup>16</sup> It should be pointed out, though, that in Omaha, Denver, Portland (Oregon), and a number of states the permanent system does not include a transfer procedure.

*Average Annual Cost of Registration in Cities with Annual, Biennial, Quadrennial, and Permanent Registration*<sup>17</sup>

| City                     | Average number of registered voters | Average annual cost    | Average cost per registered voter (in cents) |
|--------------------------|-------------------------------------|------------------------|--|
| Annual Registration      |                                     |                        |  |
| New York.....            | 1,254,745                           | \$892,728              | 71.1   |
| Philadelphia .....       | 427,184                             | 358,786                | 84. <sup>a</sup>                             |
| Cleveland .....          | 151,566                             | 115,599                | 76.3   |
| Cincinnati .....         | 145,403                             | 72,150                 | 49.6   |
| Rochester ... ..         | 100,213                             | 56,333                 | 56.  |
| Columbus .....           | 75,131                              | 59,577                 | 79.  |
| Totals .....             | 2,154,242                           | \$1,555,173            | 72.2   |
| Biennial Registration    |                                     |                        |  |
| Chicago .....            | 978,550                             | \$632,007              | 64.6   |
| San Francisco. ....      | 209,924                             | 88,915                 | 42.3   |
| Totals .....             | 1,188,474                           | \$720,922              | 60.7   |
| Quadrennial Registration |                                     |                        |  |
| Detroit .....            | 326,776                             | \$73,697               | 22.3   |
| St. Louis.....           | 287,724                             | 166,762                | 58.  |
| Baltimore .....          | 212,696                             | 135,458                | 63.7   |
| Kansas City, Mo . . .    | 151,500                             | 163,955                | 108.   |
| Totals .....             | 978,696                             | \$539,872              | 55.3   |
| Permanent Registration   |                                     |                        |  |
| Boston .....             | 240,346                             | \$133,063 <sup>b</sup> | 55.4   |
| Milwaukee .....          | 165,444                             | 22,708                 | 13.7   |
| Portland, Ore. ....      | 120,821                             | 16,168 <sup>c</sup>    | 13.4   |
| Denver .....             | 110,301                             | 26,385                 | 24.  |
| Omaha .....              | 70,000 <sup>d</sup>                 | 18,201                 | 26   |
| Topeka .....             | 25,384                              | 2,316                  | 9.1  |
| Totals .....             | 732,296                             | \$218,541              | 29.8   |

<sup>a</sup> This does not include the cost of making the assessment of voters, which averages 49 cents per registered voter annually, and should be charged to registration.

<sup>b</sup> This does not include the cost of the police census, which should be charged against registration.

<sup>c</sup> This is the cost for even numbered years. No election is normally held in odd numbered years, and the cost is negligible.

<sup>d</sup> Estimated.

<sup>17</sup> Additional data, and explanation of the method used to arrive at the average annual cost is to be found in Chapter X, on the Cost of Registration.

## REGISTRATION OF VOTERS

*Comparative Statement of the Percentage of Eligible Voters Registered in Cities with Annual, Biennial, Quadrennial, and Permanent Registration, 1922 and 1924*

| City                     | 1922            |                   |                       | 1924            |                   |                       |
|--------------------------|-----------------|-------------------|-----------------------|-----------------|-------------------|-----------------------|
|                          | Eligible voters | Registered voters | Percentage registered | Eligible voters | Registered voters | Percentage registered |
| Annual Registration      |                 |                   |                       |                 |                   |                       |
| New York.....            | 2,600,000       | 1,179,842         | 45                    | 2,760,000       | 1,500,006         | 54                    |
| Philadelphia...          | 1,005,678       | 369,487           | 27                    | 1,043,678       | 478,355           | 46                    |
| Cleveland.....           | 396,886         | 136,343           | 35                    | 424,886         | 211,828           | 50                    |
| Cincinnati.....          | 264,755         | 142,906           | 54                    | 269,935         | 165,530           | 61                    |
| Rochester.....           | 173,500         | 89,801            | 52                    | 185,500         | 115,057           | 62                    |
| Columbus.....            | 161,553         | 79,765            | 50                    | 170,153         | 99,685            | 60                    |
| Totals.....              | 4,602,372       | 1,998,144         | 43.4                  | 4,854,152       | 2,570,461         | 53                    |
| Biennial Registration    |                 |                   |                       |                 |                   |                       |
| Chicago.....             | 1,431,731       | 804,648           | 56                    | 1,494,947       | 1,064,805         | 71                    |
| San Francisco..          | 306,990         | 200,415           | 65                    | 321,101         | 219,434           | 68                    |
| Seattle.....             | 198,211         | 95,028            | 48                    | 207,516         | 118,343           | 57                    |
| Totals.....              | 1,936,932       | 1,100,091         | 57                    | 2,023,564       | 1,402,672         | 70                    |
| Quadrennial Registration |                 |                   |                       |                 |                   |                       |
| St. Louis.....           | 493,553         | 272,200           | 55                    | 511,213         | 303,150           | 60                    |
| Baltimore.....           | 446,000         | 194,669           | 44                    | 485,000         | 225,945           | 46                    |
| Detroit.....             | .....           | .....             | .....                 | 477,426         | 300,006           | 63                    |
| Kansas City, Mo. ....    | 225,583         | 147,524           | 65                    | 236,783         | 171,588           | 72                    |
| Totals.....              | 1,165,136       | 614,393           | 53                    | 1,710,422       | 1,000,689         | 59                    |
| Permanent Registration   |                 |                   |                       |                 |                   |                       |
| Boston.....              | 372,926         | 220,319           | 60                    | 383,126         | 217,636           | 65                    |
| Milwaukee.....           | 248,329         | 153,804           | 63                    | 254,412         | 177,091           | 70                    |
| Portland, Ore..          | 172,412         | 112,668           | 65                    | 177,906         | 128,974           | 72                    |
| Denver.....              | 169,500         | 86,663            | 58                    | 171,800         | 133,939           | 78                    |
| Omaha.....               | 121,000         | 66,100            | 55                    | 132,000         | 74,012            | 56                    |
| Topeka.....              | 31,900          | 23,005            | 72                    | 32,650          | 27,763            | 85                    |
| Totals.....              | 1,116,067       | 662,559           | 59.7                  | 1,151,894       | 789,395           | 68.5                  |

\* For 1920 instead of 1924. Detroit has grown so rapidly that it would be difficult to estimate the number of eligible voters except for a census year.

handled ordinarily with very little clerical work as compared with a new registration.

Permanent registration is usually advocated on the ground that it will result in a large number of persons registered, and hence a larger vote. The argument is that since the voter is registered for a lifetime, few persons fail to register. The accompanying table indicates that permanent registration does result in from 10 to 15 per cent more eligible voters registered than annual or quadrennial registration. Curiously enough, biennial registration shows a higher percentage registered than quadrennial systems. This is due to the fact that the cities included in the biennial group happen to have a high registration because of other factors, and are not typical." There are only a few large cities with biennial registration, and the number included are not enough to make the average of value.

There are many factors which affect the number of registered voters besides the type of registration system. Hotly contested elections will bring out a large registration under the most inconvenient and exacting system, while, conversely, the absence of election contests will cause a low registration under any system. For this reason comparisons between individual cities are of little value, unless the political background is known. The average of a number of cities is more indicative, and here indicates quite strikingly the superiority of permanent registration. A difference in the average of 15 per cent between the annual group and the permanent group of cities is about as great as could be expected and affords strong proof that permanent registration does result in a larger registration. The difference is even more noticeable in odd numbered years when there is no state or national election to bring the voters out to register. Under annual registration systems the vote usually drops off sharply, while the decline under permanent systems is much less marked. Data on the registration in the odd numbered

"San Francisco has a high registration because of the practice of taking registration in the homes; Chicago has a padded registration, and the hotly contested elections result in a high registration of bona fide voters.



years is not available in many of the cities, but a few examples may be cited to show the usual rule. The percentage of eligible persons registered in Boston dropped from 65 in 1924 to 61 in 1925, while in New York City it dropped from 54 to 43. The drop in the largest Ohio cities with annual registration was even more marked. In Cleveland the percentage of eligible voters registered dropped from 51 to 30, in Cincinnati from 61 to 51, and in Columbus from 60 to 29.

The question may be raised as to whether an increased registration actually tends to increase the vote cast. It is frequently asserted that if the elector will not take the trouble to register, he would not vote anyway. The number of voters registered is only one of a number of factors which affect the vote cast. A high registration does not necessarily result in a large vote, though it makes possible a large vote. There can be no doubt that under inconvenient registration systems many persons desiring to vote find when it is too late that they are not registered. A registration system should be judged by the percentage of eligible persons registered and not by the total vote cast. Milwaukee, for example, has had a high registration for years, but a fairly low vote, because of the absence of hotly contested elections. One might erroneously interpret this to the effect that a convenient registration system does not encourage voting. The vote cast would be even lower under an inconvenient system of registration.

We come now to the last factor in the comparison of periodic and permanent types of registration: that of effectiveness in preventing fraudulent voting. It should be noted at the outset that the principal argument against permanent registration is raised upon the ground that it will lead to voting frauds, and, curiously enough, is voiced by the party machines of Philadelphia, New York City, Pittsburgh, and Cleveland. Three of these cities under existing annual or biennial systems have the worst voting frauds to be found in the entire country. The political machines in these cities have never been scrupulous about election frauds heretofore, but have consistently fought

registration bills designed to prevent frauds. Their pretensions of concern about the danger of frauds should not be taken seriously. They have found that the present cumbersome and expensive registration systems are a decided asset to the machine, since these systems yield a large harvest of precinct jobs and deter independent voting."

The danger of fraudulent voting under permanent systems arises from the possibility that the names of electors who have died or moved away may be carried on the books for years afterwards and be voted by "repeaters" or by corrupt election officers. Whether permanent registration is more susceptible to fraud than periodic registration, is determined by the effectiveness with which the lists may be purged. As a matter of fact, cities with permanent registration, such as Milwaukee, Boston, Omaha, Denver, Portland, Minneapolis, and St. Paul have the cleanest lists to be found anywhere. No difficulty is encountered in correcting the lists if proper methods are used.<sup>20</sup> The strongest argument for permanent registration is its successful operation in various states, including a number of large cities.<sup>21</sup> Regardless of theories and opinions on the matter, it results in little or no fraudulent voting. This affords a striking contrast to the gross registration and voting frauds recently brought to light in Philadelphia and Chicago.

Those who oppose permanent registration on the ground that the lists will not be thoroughly purged usually assume that the purging will be done by precinct officers, and hence done very inefficiently and sometimes not at all. No large city with permanent registration relies upon precinct officers to revise the lists; it is done at the central office by responsible clerks under the direction of the chief registration officers. Much of the argument against permanent registration is made by persons who are

<sup>20</sup> See Chapter I.

<sup>21</sup> A full treatment of methods of purging the lists is contained in Chapter IX.

<sup>22</sup> Permanent registration has been in successful use in Boston since 1896, Milwaukee since 1912, Omaha since 1913, Portland (Oregon) since 1916, and in some rural states for even longer periods.

familiar with the old type, and who do not or cannot visualize a different system.

It is sometimes said that permanent registration is adapted to rural sections and small cities, but is not suited for a large city with its mobile population. The success of permanent registration in Boston, Milwaukee, Minneapolis, and other large cities proves that this position is untenable. The mobility of population and the size of a city has little effect upon the operation of permanent registration, provided there is a sound transfer procedure. The problem of revising the lists is somewhat simpler in rural sections and small cities, but there is nothing inherent in permanent registration which makes it unsuited to large cities.

Permanent registration is the most outstanding recent development in election administration. It is likely to spread throughout the country as rapidly as did the Australian ballot. It is by far the most economical type. It is convenient to the voter, since it keeps him registered for life, or for as long as he continues to reside within the same city. The largest cities with permanent registration are practically free from election frauds. Finally, it results in from 10 to 15 per cent higher registration than periodic systems, and, therefore, is a very practicable administrative step which can be taken to increase popular participation in elections.

**Compulsory Versus Non-Compulsory Registration.** Registration laws may be classified as compulsory or non-compulsory. Compulsory laws do not permit any person to vote who is not registered, while non-compulsory laws permit unregistered persons to "swear in" their votes at the polls. Most states have compulsory laws, though seven states have only non-compulsory registration,<sup>22</sup> and four states have compulsory registration for the larger cities and non-compulsory for the smaller cities, towns, and rural sections.<sup>23</sup> Some special formality is always required

<sup>22</sup> Iowa, Michigan, New Mexico, North Dakota, South Dakota, Wisconsin, and Wyoming.

<sup>23</sup> Illinois, Minnesota, Nebraska, and Pennsylvania.

for "swearing in" the unregistered voter at the polls. No two states have exactly the same provisions, but, in general, the person who is not registered must submit an affidavit of his qualifications, corroborated by one or two witnesses." These witnesses everywhere must be qualified electors, usually of the same precinct, and in some states they must be freeholders or householders. In one or two states only persons ill or absent on the days of registration are permitted to "swear in" their votes.

Non-compulsory registration is unsatisfactory. The provision for "swearing in" is seldom used in the respectable precincts, but in the machine controlled, transient precincts this loophole is used to inject fraud into the election. In a recent Chicago election at which it was legal to vote by affidavit, one precinct alone yielded 276 affidavits, though most of them were turned in several days late when a contest was imminent.<sup>24</sup> The bulk of these affidavits proved to be forgeries, made out and signed for all persons concerned by a single person. Many of the names were purely fictitious; others were of persons who had moved out of the precinct years before, or had died; and a substantial quota resided at fictitious addresses.

In the very precincts where protection is most needed non-compulsory registration breaks down. The political machines provide the necessary notary and witnesses in the worst precincts, and "swear in" voters by droves. In other words, the only place where the system works, it works badly. In Milwaukee the average number of persons "sworn in" is scarcely one to the precinct, yet in a recent municipal election, sixty-three persons were "sworn in" in a single precinct of the transient section of the city.<sup>25</sup>

<sup>24</sup> In Wisconsin no person may witness more than five affidavits (Revised Statutes, Sec 644). In Portland (Oregon) six witnesses were formerly required (Election Laws, Sec. 4058). By a constitutional amendment of 1927, registration in Oregon is now compulsory.

<sup>25</sup> Seventh Precinct of the Twenty-fourth Ward, Judicial Election, November 6, 1923. An account of this is given in a report published by the Better Government Association of Chicago, 1924.

<sup>26</sup> First Precinct of the Fifth Ward, Municipal Election, 1925.

Another phase of the practical working of non-compulsory registration may be observed in the state of Oregon, where prior to 1927 an unregistered person could register and vote at the polls by securing two freeholders to testify to his qualifications. By actual count of precincts in one county, 23.4 per cent of the votes cast at a given election were "sworn in" at that election. The voters found that it was not necessary to register during the regular period, for they could always "swear in" their votes at the polls. In this way the effect of the registration system was largely nullified. The county election officers maintained that no fraudulent voting was done through this provision, but were opposed to it because many of the affidavits were only partially filled in and did not constitute satisfactory records.

In some states the courts have held compulsory laws unconstitutional,<sup>27</sup> and hence a choice must be made between non-compulsory registration or no registration at all. It is quite probable, however, that a compulsory law which provided permanent, year-round registration, and included a provision for absent electors, would now be held valid in most of these states.<sup>28</sup> Where it is necessary to retain a non-compulsory law, the procedure for "swearing in" should be made as stringent as possible.

<sup>27</sup> See Chapter XII.

<sup>28</sup> See page 308.

## CHAPTER V

### OVERHEAD ORGANIZATION AND PERSONNEL

The problem of organization and personnel is not confined to registration, since the same machinery is generally used also for the conduct of elections. The subject matter of this and the following chapter falls within the larger field of election administration, and hence cannot here be treated exhaustively. At the same time, no work on registration would be complete without some consideration of the subject, for the organization is in many respects the most important phase of election or registration administration. These chapters deal with the subject particularly as it pertains to registration, though at many points there is little distinction between election and registration organization.

In a number of important respects the administration of elections and registrations is unique. It is extremely seasonal in character, the bulk of the officers being used for only one or two days at a time, and for only a few days during the entire year. No other administrative job has the same degree of importance as the conduct of registrations and elections, for they are the very basis of our governmental structure. It would seem that sound administration is imperative, yet no other governmental function is marked by so much irregularity, mismanagement, incompetence, and downright fraud. It is highly significant that they are administered, as a general rule, by representatives of the party organizations, who have a personal interest in the outcome. The bi-partisan tradition in the administration of elections requires thorough examination to determine its present advisability.

**State Control.** Election administration has remained almost completely decentralized despite the movement of the last half-

century toward centralization. There is practically no state administrative control over elections. The supervision of the precinct officers is left to the county or city officers, and quite commonly the precinct boards are a law unto themselves. This absence of effective administrative supervision has been one of the principal causes of that irregularity in the conduct of registrations and elections which is always brought to light when an election is contested. Centralization and the supervision of the precinct officers are among the most significant problems of election and registration administration.

The governor is vested with some powers in connection with elections and registrations in fourteen states.<sup>1</sup> Usually his authority is limited to the appointment of local officers of the county or city, though in a few states he appoints instead a state election board, and in Delaware the precinct officers themselves. In several states the governor appoints the election board or commissioner for only a few of the larger cities or counties.<sup>2</sup> It might be thought that the power of appointment gives the governor substantial control, especially if accompanied by the power of removal, but this is not the case. In a number of states he is required by law to make appointments from party nominations, and in other states custom and tradition produce the same result. The real selections are usually made by the party machines and the governor merely rubber stamps the appointments. The governors of a few states, however, have made appointments independent of party recommendations.<sup>3</sup> This has resulted in securing better election officers, but has not

<sup>1</sup> Delaware, Florida, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, South Carolina.

<sup>2</sup> Pennsylvania, Nebraska, Missouri, Kansas, Louisiana, and a few other states.

<sup>3</sup> Instances may be found in Pennsylvania, Nebraska, and Missouri. It is interesting to note that a tradition has been developed to keep the office of election commissioner in Omaha out of politics. The first commissioner was appointed by a Democratic governor, and was reappointed by succeeding Republican and Democratic governors alike, while the present commissioner was appointed by a Republican governor and reappointed by Democratic and Republican governors.

given the governor any substantial amount of control, since he does not have any agency through which he can exercise supervision. The governor is too busy with other affairs to follow the detailed conduct of registrations and elections in various parts of the state. Without a staff to perform the routine work of supervision he can make little use of the power of appointment and removal as a means of exercising control. In practical operation his power usually ends when the appointments are made.

The secretary of state exercises certain powers over elections and registrations, consisting ordinarily of such matters as prescribing forms and preparing, publishing, and distributing the election laws of the state. The power to prescribe forms and records is not important, for these are usually minutely covered by the election law. In a few states, including New York, the secretary of state furnishes certain registration and election supplies, but this power does not yield any material control, though the printing contracts may be politically important. The secretaries of state of Ohio and Oklahoma appoint the local officers in charge of elections and registrations, but only upon party nominations, which deprive them of any appreciable control.

There are five Southern states with state election commissions.<sup>4</sup> These commissions, however, are given only an appointing power similar to that exercised by the governor of other states, and hold meetings only when new appointments are to be made. They do not maintain a permanent office or office force. They were originally created as a device to maintain state wide control by the Democrats. The organization of the commissions is such that it would be highly improbable for the Republicans to capture control in any state except Kentucky.

Indiana has two state commissioners of elections, selected by the party organizations of the two major parties, who edit the election laws and issue interpretations on doubtful matters.<sup>5</sup> A

<sup>4</sup> Alabama, Kentucky, Mississippi, North Carolina, and Tennessee. The commissions of Alabama and Mississippi are *ex-officio*, consisting of several principal elective state officers.

<sup>5</sup> Election Laws, Sec. 131.



similar power is given to the Attorney General of Maryland.<sup>6</sup> In neither state is any real supervision exercised. The Attorney General of New York has substantial powers in connection with the prosecution of election fraud cases. The state law provides that he shall receive a copy of the printed lists of voters, a card list of voters if he so directs, and authorizes him to take over the prosecution of election cases from the local prosecuting attorney whenever he may deem this necessary.<sup>7</sup> A division in the office of the attorney general has been created to carry out this work, and in the past considerable effort has been made to detect and prosecute election frauds in New York City. The effect of placing this power in the hands of the attorney general has been altogether beneficial, for the local prosecuting attorneys have been forced to prosecute. By way of contrast, in a large western city the local prosecuting attorney for years refused to prosecute election frauds, and as a result they were carried on with impunity.

There is much ground for dissatisfaction with the present lack of central administrative supervision over elections and registrations. Every contested election demonstrates that elections are conducted in an incompetent and irregular manner, and there is every reason to suppose that this is the rule rather than the exception. There can be little technical improvement in election and registration administration in the United States without further centralization.

The character of local registration officers (county, city, and precinct) makes some form of central supervision essential. The county or city officers are almost always professional politicians, with little clerical ability or administrative experience, and with scant knowledge of the law. They are seldom qualified to issue thorough instructions and to exercise effective supervision over the field or precinct officers. This results in little supervision and invariably leads to incompetence, irregularities, and misconduct.

<sup>6</sup> Acts of 1924, Ch. 580

<sup>7</sup> Election Laws Sec 176

At the present time state control is secured only through the election law, which prescribes the organization, records, and procedure in minute detail. This is thought to be necessary because of the importance of elections and the need for uniformity throughout the state. It is hardly necessary to point out that lengthy laws do not accomplish the desired result. The statutes are written in legal terminology, and cannot be understood by the typical precinct officer. The election law is so long that he finds it quite out of the question to read it all. Unessential matters and provisions which do not concern the precinct officer are mixed in with the essential and pertinent. Frequently the procedure outlined in the law is too cumbersome to be used. The impossibility of following the letter of the law operates to excuse the local officers from observance of the important provisions which could and should be obeyed. There is no officer whose duty it is to see that the state law is observed, and no attempt is made in this direction.

There are many phases of registration administration which cannot be prescribed by statutes adequately and wisely. The specific procedure for registration may be covered better by instructions from the supervising officers than by law. The law usually states in detail the qualifications required for precinct officers, in terms of residence, citizenship, ability to read and write, character, etc. These provisions, taken altogether, have scarcely any appreciable effect upon the type of persons secured. If it is the will of the state that competent and upstanding persons shall be selected, other means must be used. Statutes are inflexible and cannot be adapted to the necessities of a particular case. Efficiency cannot be secured in any activity where the organization and procedure are rigidly prescribed by law. The detailed statutes frequently serve to shield the political crook, who can always turn to the wording of the law to justify his slipshod administration or sharp practices.\*

\* For an admirable discussion of the political effects of poorly drawn, detailed statutes, see Charles E. Merriam, *American party system*, 123-26. See also John M. Matthews, *American state administration*, 406.

If the state is to exercise more effective supervision over elections and registrations it is essential that an office be created to have charge of the work. It would accomplish little to grant additional powers to the existing state officers without providing a staff to exercise the routine supervision. A state election office would relieve the legislature of the necessity of attempting to exercise control through detailed but ineffective statutory provisions. It is not necessary that such an office be made independent of existing state departments; it might well be placed under the secretary of state or within some other department. The functions of a state office of elections would be to issue instructions, regulations, and rules and to give technical advice and directions to the local officers. This would not necessarily mean an encroachment upon the prerogatives of the local officers; it would rather substitute administrative regulations for the existing detailed statutes. The orders issued by the state office in the form of rules or instructions should have the same effect as state law, and be enforceable in the courts. The statutes should set forth the scope of power of the state office, and also lay down the general policy of the state. The rule making power exercised by such an office would be very similar to that now vested in state health departments, industrial commissions, and other state agencies.

One of the principal duties of a state election office would be to issue instructions for the guidance of the local officers, particularly the precinct officers. The instructions at present issued by the city or county election office are usually meager and poorly drawn. In many places there are none at all and the judges and clerks are left to dig out their own duties and directions from the law itself. Thorough and suitable instructions would do much to standardize and tone up the whole administration.

It would be necessary also to give the state election office ample powers to secure information as to the conduct of registrations and elections throughout the state. This office should check up

the local practice to see that the regulations are obeyed, and also to keep in touch with all phases of the local administration. It should have the power to prescribe forms and records not specifically covered by statute, to require reports (not merely annual reports, which are often meaningless, but more frequent operation reports), and to investigate local offices at any time. Certain materials, such as copies of printed lists of voters, should be sent to the central office as a matter of routine. It would be inadvisable, however, for the state office to maintain a record of the registered voters for the entire state, unless there is need for this in connection with the mailing of official election pamphlets.

Another problem touching upon state control is the appointment of the local officers in charge of elections and registration—assuming that one of the regular officers of the city or county is not used. Should the city or county board of elections or election commissioner be appointed by a state officer (usually the governor) or by a city or county officer? If the party organizations make the actual selections, either by law or custom, it does not matter who makes the formal appointment. But if independent appointments are made, as is the case in a few states, there are certain considerations which should be taken into account. The governor of the state is usually somewhat less amenable to the local political machine than the mayor or other local officer. The governor is also subject to state wide pressure to make good appointments in the largest cities, for the results of state elections are frequently turned by the vote in those cities, and consequently the state at large is much concerned. If appointments are made by local officers it is almost impossible to divorce the election office from machine domination. It may be true that state appointment would only substitute state machine control for local machine control, but city machines are more powerful, more corrupt, and more apt to manipulate the election in their own interest. Election boards appointed by the governor without dictation by party organizations have

been superior, on the whole, to boards locally appointed.<sup>9</sup> The power of appointment and removal, if given to the governor or secretary of state, should be utilized to insure harmonious co-operation between the local boards and a state office.

There are certain valid arguments in favor of appointment of election boards by local officers. The local officer (usually the mayor) is responsible to the citizens of the city. It may also be urged that appointment by the governor is contrary to the principle of home rule, though it should be borne in mind that elections are as much a matter of the state as of the locality. After all, the choice between local and state appointment should be made in the light of the particular situation and history of the state rather than upon theoretical considerations.

In England the Ministry of Health has general supervision over the conduct of registration, with power to issue orders, rules, regulations, and instructions, to prescribe forms, and to approve or disapprove the appointment of deputy registration officers in the boroughs and counties.<sup>10</sup> This provides a substantial amount of central control and results in uniformity and regularity of administration. In the Canadian provinces a similar power is exercised by a deputy provincial secretary, with like results. The result of greater centralization of election and registration administration in this country would depend largely upon the type of persons secured for the state office, their vigor and tact. At the present time it is customary for the secretary of state to appoint a former county clerk or some other similarly experienced person to take care of the election work of the office. Though the office of secretary of state has little power over elections, it is common for county or city officers to call upon the office for advice and instructions. Greater centralization

<sup>9</sup> This statement has been based upon the general impression that the election boards of St. Louis, Omaha, Kansas City, and the Registration Commission of Philadelphia have been somewhat better than the election boards of, say, New York City, Chicago, and Boston.

<sup>10</sup> A. O. Hobbs, and F. J. Ogden, *Guide to the Representation of the People Act, 1918* (London, 1918); J. Renwick Seager, *Registration of voters under the Reform Act, 1918* (London, 1918); G. P. Warner Terry, *The Representation of the People Act, 1918* (London, 1918).

would introduce expert and technical supervision in the place of the present loose, ineffective, and usually unexpert supervision. As long as election administration is decentralized, as long as it is administered exclusively by local *ex-officio* officers as a side issue, or by politically selected special boards, there can be little hope for technical advancement or administrative improvement and standardization.

**County and City Officers.** There is no well settled rule in this country as to whether elections and registrations should be administered by the city or the county. In New England the city or town is the local unit of administration generally, and municipal officers are placed in charge, but in the Southern states and ten Northern states the county is given practically exclusive jurisdiction.<sup>11</sup> The large cities of a number of other states have been given control over elections within their boundaries, the county officers having control elsewhere. Finally, in a few states there is a division of control between city and county officers, both exercising certain powers concurrently, or, in some states, the county officers have charge of state and county elections and municipal officers conduct municipal elections. Obviously this last arrangement is bad, for it ordinarily requires duplicate offices, duplicate records, and materially adds to the cost, besides causing the voter the inconvenience of keeping registered under two systems.

In a few states the county office has control of registration for the entire county, but turns over the books to the city officers prior to municipal elections.<sup>12</sup> The question as to whether the city or the county should be given control of registration and elections requires consideration in the light of the political organization of the state. There are certain advantages to be derived from placing the matter in the hands of the county officers, for they may conduct either state and county elections for the entire county or local elections for the local units, using the same office and records.

<sup>11</sup> The Northern states are: California, Colorado, Montana, Nevada, New Jersey, North Dakota, Ohio, Oregon, Utah, and Wyoming.

<sup>12</sup> This is true of Colorado, Oregon, and perhaps several other states.

As a general rule, elections and registrations are both handled by the same office, but in the Southern states and in Pennsylvania registration is conducted by a separate and entirely distinct office. This is another unnecessary and unwise duplication which results in increased costs, divided records, and divided responsibility for honest elections, and at times, in considerable friction.

There is no uniform rule as to what particular city or county officer has charge of registration. The city or county clerk, except where there is a special election office, usually handles the records, supplies, and other routine matters. In many places the county commissioners or the city council appoint the precinct officers, and exercise certain other powers. In a few states the mayor, sheriff, recorder, auditor, or some other local officer is given some duties in election and registration administration. The worst possible arrangement is to divide the power and responsibility between a number of offices. It inevitably leads to constant bickering, lack of cooperation, irresponsibility, and frequently to incompetent and inefficient administration.<sup>13</sup>

In the more populous cities and counties the general practice is to provide a special board of election commissioners. Where the jurisdiction is large enough to require a special office force, it is usually thought better to place control in a special board rather than in one of the regular officers of the county or city. The argument for a special board is that it will be more impartial and fair, consisting of representatives of both political parties, and of persons who are not themselves candidates for public office. For the large cities, especially where the parties are fairly evenly divided, there is something to be said for a special board, but elsewhere it is hardly justifiable. It seems to make little or no difference that the city or county clerk in charge of registration is himself a candidate for public office. The responsibility

<sup>13</sup> An interesting example of the results of the division of election administration between various offices is found in New Jersey. In Hudson and Essex counties the county board of elections, the county clerk, a superintendent of elections, the municipal clerks, and the police departments all have a hand in the matter. All of these offices, with one exception, vigorously opposed the permanent registration law of 1926 because of fear that they might lose some of their prerogatives.

for an honest administration is fixed so definitely that he does not dare to use the power to advance his own interest. The administration of the city or county clerk, as a rule, is more vigorous, efficient, and economical than that of a bi-partisan board. The single officer is more scrupulous in observing fair play to all political parties and factions than is a bi-partisan board. A special board greatly increases the expense, because it requires an extra office and office force, and usually wastes money through the use of superfluous and incompetent clerical employees. Bi-partisan boards have been created in many instances to provide patronage for the party machines, and they have not fallen down on the job. The principal effect of a bi-partisan board administration is not to guarantee honesty and integrity, but rather to insure that the election jobs will be doled out to the faithful.

**Boards of Election.** Nine states provide for a county board of elections or registration throughout the state," and three states provide for city boards throughout the state." Various other states provide an election or registration board for the most populous cities or counties only.

*Organization.* The number of members of election boards varies from a single commissioner in Los Angeles," Omaha, Rochester, and several New York counties, to five members in San Francisco and Philadelphia. Other places, as a rule, have three or four members, the number depending upon whether the legislature wished the board to be evenly divided between the two political parties or to be dominated by the party in power. Milwaukee is different from the rest in that the board of election commissioners consists of one member from each of the three leading political parties, which provides representation for the Socialists as well as the Republicans and Democrats. This tri-party representation, extending down to the precinct officers,

<sup>14</sup> Georgia, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Ohio, Tennessee, and Virginia.

<sup>15</sup> Massachusetts, New Hampshire, and Virginia.

<sup>16</sup> The chief election officer of Los Angeles is the Registrar of Voters.



has a significant effect upon the conduct of elections. It makes collusion between the precinct officers practically impossible.

The use of a board instead of a single commissioner is a corollary of the bi-partisan tradition. A board is usually deemed necessary in order to provide representation of the two major parties, though a number of cities and counties, including Los Angeles, Omaha, and Rochester, have exceptionally honest, vigorous, and fair administration under a single commissioner. Other cities or counties which use one of the regular officers have usually experienced similar results. It is a well recognized principle of government that where the work is largely administrative in character a single executive is better than a board. The work of an election office is almost entirely routine administration. There arise at times difficult legal problems, but these require competent legal advice rather than deliberation by a board of laymen. The bi-partisan board, as a general rule, is a machine controlled board, and this inevitably results in placing the bitterest and frequently the most unscrupulous partisans in charge of registrations and elections.

The political boss of Omaha, Tom Dennison, has for years vigorously opposed the single election commissioner law of that city. He has repeatedly attempted to secure control of the office, but the responsibility for honest elections is so definitely placed that the governor has not dared to appoint a "gang" controlled man as commissioner. Tom Dennison, in an interview with the writer, June 19, 1925, stated:

The single election commissioner has too much power. If I had control of that office I could elect any man to any office in Omaha at any election. What we need is a board of election commissioners consisting of three members, representing the different political parties, and taking all of this power out of the hands of one man.

It is hardly necessary to add that with such a board the Dennison machine would control two, if not all three, of the members, and there would still be one man control of elections and registrations, but that man would be the political boss instead of the official election commissioner.

A single commissioner normally produces a more competent and honest administration. He adopts a somewhat neutral attitude between the parties and factions, and will not stoop to unfair practices or condone illegalities. His appointments, since he has direct responsibility for the work of the precinct officers, are made with more care and with greater consideration of the ability and integrity of the appointees. The office records are better kept and the whole administration carried on without the laxness, lethargy, and presence of irregularities found, as a rule, under board control.

*Qualifications.* The legal qualifications for membership of election boards vary from state to state, and are of little importance in determining the character of the members. Almost everywhere only qualified electors of the city or county may serve, and many states debar officeholders. Persons who are candidates for an elective office ordinarily may not serve, while in San Francisco members of the board are prohibited from holding any other municipal office during their term or for a year afterwards.<sup>17</sup> Residence within the state for five years is required in Milwaukee, St. Louis, and Kansas City, and for the same length of time within the city in San Francisco. Usually, however, there is no residence requirement other than that incident to being a qualified elector. In a few states vague expressions of character and ability are included in the legal qualifications.<sup>18</sup> In practically every state where a board is provided it is required to be bi-partisan.

The actual qualifications also vary widely from place to place and depend upon a number of factors, principally the tradition of the office, the character of the party machines, and the standard insisted upon by public opinion. In many cities the members are selected from the group of professional politicians, and sometimes have dubious qualifications. The members of the election commission on New York City at the time this study

<sup>17</sup> City Charter, Art. XI, Ch. 1.

<sup>18</sup> For example, the legal qualifications in Maryland include, "they shall be men of high character and integrity and of recognized business capacity."—Ch. 202, Acts of 1896.

was made,"<sup>19</sup> may be taken as fairly typical of the type of persons secured under party dictation.

Commissioner A is ninety-eight years of age, though still quite active. He is the Grand Sachem of Tammany Society, a social adjunct of Tammany, and is generally supposed to be high in Tammany councils. He has served on the commission since 1917. Previous to that time he was a member of the board in charge of the office of State Superintendent of Elections, and during his term that office largely lost its effectiveness. Charges have been brought against him on several occasions by civic organizations. His principal achievements have been to block all election reforms, including the introduction of the voting machine.

Commissioner B<sup>20</sup> is also very old, being over eighty years, and is much more feeble than Commissioner A. He rarely attends the formal meetings of the board, and is nothing more than a pensioner. The Fosdick and Wallstein official reports to the mayor more than ten years ago characterized him as incompetent and ignorant of the election law and administrative practices, but he still continues to hold the position and to receive the official compensation—\$8000 annually.

Commissioner C is one of the most active and powerful politicians of the city. He is chairman of the executive committee of the Republican Party of Kings County, and is sometimes called the Republican boss of Brooklyn. His time is taken up with politics. He was sharply censured in the Wallstein report for engaging in sharp practices in connection with positions on the ballot. He has served on the board for over fifteen years.

Commissioner D is the youngest member of the board, both in years and in length of service. He was appointed in 1919. He is an attorney, fairly active in politics, but not one of the party leaders. He has a good law practice. He is generally regarded as the most competent member of the commission.

In another eastern city a man who is exceptionally well posted about the administration of elections and registrations stated to the writer:

<sup>19</sup> January, 1926.

<sup>20</sup> Now deceased.

We must have a very good system of registration here to operate successfully with the type of men whom we have running the office.

The writer was advised to talk to certain permanent office employees by another person in the same city, "because you can't rely upon what the members of the board tell you." In still another Eastern city the rising political boss is chairman of the board of election commissioners, though he is more competent than most commissioners.

The members of the board of election inspectors in the larger counties of Ohio (including the larger cities) are paid upon a fee system, and the compensation is quite high. Consequently, they come from the ranks of the professional politician, frequently including the political boss himself. The present members of the election board of Chicago are quite respectable, which is more than can be said for some of the members in the past. Where the appointment is not dictated by the party machines, the character of the members is fair. The position, however, is not attractive to the most desirable type of person, for even the best boards can accomplish little under the existing detailed state election laws. Outstanding persons of character and distinction are rarely found on election boards. The professional politicians are the least scrupulous and the least competent from many points of view, but it is true that they have an interest in the work and know what they are doing. Other persons appointed are generally drawn from the class of briefless lawyers, retired business men, and worn out politicians. The most competent persons are to be found in cities which have single election commissioners.

*Selection.* Members of election boards are usually appointed by the mayor of the city or the governor of the state. In a few states some unusual arrangement is found. For example, the county judge, surrogate, and sheriff of Monroe County, New York, appoint the single election commissioner.<sup>21</sup> In Cook

<sup>21</sup> Election Laws, Sec. 50.

County, Illinois, the appointment was vested in the hands of the county judge<sup>22</sup> in an attempt to remove the board from politics, but the result has been rather to make the position of county judge one of the principal political offices of the county. The official appointment in New York City was formerly made by the mayor. In 1911 Mayor Gaynor refused to re-appoint one of the incumbents<sup>23</sup> on the ground that he was incompetent. The party organization refused to nominate any other person, and he continued in office. At its next session the state legislature passed a law which placed the official appointment with the board of aldermen, and since that time the party nominees have been appointed without question.<sup>24</sup>

The election laws of a few states require appointments to be made from nominations by the two major political parties. In a few states only a single nominee is required, which virtually places the selection in the hands of the party.<sup>25</sup> Election boards practically everywhere are required to be bi-partisan, and by custom and tradition, where not required by law, the appointing authority usually appoints the person recommended by the party machines. It is uncommon for the appointing officer to make a personal selection, for he rarely cares to incur the displeasure

<sup>22</sup> City Election Act, Sec. 20.

<sup>23</sup> Now deceased.

<sup>24</sup> Election Law, Sec. 30. For an account of the Kane episode see Leonard M. Wallstein, Report on the Board of Elections of the City of New York, 1915, p. 15 ff.

<sup>25</sup> The election laws of the following states require appointment from party nominations (in all or a part of the state): Kentucky, Maryland, Maine, New Jersey, New York, North Carolina, Ohio, and Wisconsin. Some of the variations of state laws are significant. New Jersey, New York, and Ohio provide for but a single nominee, and make it compulsory for the appointing officer to appoint the person nominated (N. J. Election Laws, Par. 67; N. Y. Election Laws, Sec. 31; Ohio General Code, Sec. 4970). In Maryland the party organization must submit four nominees, and the governor may require, if he cares to, another list (Acts of 1896, Ch. 202). In North Carolina the "state chairman of each political party shall have the right to recommend three electors in each county, and it shall be the duty of the state board of elections to appoint . . . from the names thus recommended." (State Code, Sec. 5924.) The Wisconsin law for Milwaukee provides that the mayor shall appoint representatives of the three dominant political parties, whose party affiliation has been attested to by the respective party chairmen. (Election Laws, Sec. 10.01.)

of the party organizations by refusing to accede to their wishes in the matter.

Upon first glance it may appear that this practice, whether due to custom or to law, is satisfactory. But an examination of its practical operation reveals fundamental objections. Selections by the party machines are made with little if any consideration of ability, integrity, and respectability. They are used to reward the faithful, and to place men in charge of elections who will serve the interests of the party. Bi-partisanship is a weak defense against corruption and collusion of election officials.\* In many cities there is a single dominant political machine which controls both party organizations of certain wards. The assumption that one side will watch the other and thus prevent frauds ignores the fact that political crooks can make bargains. The whole election machinery, from the election commissioner to the precinct clerk, becomes a perquisite of the political spoilsman. No substantial improvement in administration is possible without ridding the personnel from party machine domination, and this cannot be accomplished except by divorcing the election board of the city or county from machine control. In many places the party organizations dominate the election office to such an extent that every important question of policy or patronage is decided by the organization, and the commissioners are little more than dummies. This situation is intolerable. It leads to election frauds and corruption and makes impossible any degree of administrative efficiency.

The most urgent improvement in election and registration administration is to secure more respectable, competent, and honest officers all along the line from the top to the bottom. A majority of all registration and voting frauds are committed by the officers who are engaged to maintain the sanctity of the ballot box. If the state law prescribes appointment of election com-

\* Sometimes *bona fide* representation of both parties is not secured. It was recently disclosed that a member of the Philadelphia Registration Commission, appointed as a representative of the Democratic Party, had registered during the preceding three years as a Republican. He later resigned.

missioners upon party nomination, this feature of the law should be repealed. The provision for bi-partisan representation, which appears reasonable and harmless, has nevertheless a substantial influence in strengthening the party organization control, and should be repealed. A single officer, independent of partisan control as far as possible, should be placed in charge of elections and registrations. He can be held strictly responsible for the appointment of honest and capable precinct officers.

*Term and Salary.* Members of county or city election boards are usually appointed for a term of two, three, or four years. The long term is preferable. It tends to bring about a smaller turnover, as well as a more independent board. The election commissioner of Omaha is appointed for a term of only two years, which is a serious hindrance to developing a consistent, long time policy, and places the commissioner in an embarrassing situation every other year. Much would be gained by increasing the term to four years. The turnover of election boards varies from place to place, but is not very indicative of the competence of the members. It is desirable to have a low rate of turnover of election boards, but the length of service is not an index of ability.

The accompanying table indicates a wide range in the salary scale of members of election boards in some of the largest cities of this country. The first consideration in connection with the salary is the amount of time expected of the commissioners. In Omaha, Rochester, and Los Angeles the single commissioner is required to devote his entire time to the duties of the office, and is paid accordingly. The commissioners of Boston and New York are also paid a full time salary with the expectation that their duties will take up most of their time. In other cities the position of election commissioner is distinctly a part time job, and the salary is small, though Philadelphia, Pittsburgh, Cleveland, Cincinnati, Chicago, St. Louis, and Kansas City each pay \$3000 annually, or more. It is striking to compare the salary of Milwaukee (\$1260) and San Francisco (\$1000) with that of Kansas City (\$3000).

It is unwise to provide a full time board. The office can be run more competently by a single commissioner or a chief clerk." The proper scope of work of the board consists in determining major policies, assuming responsibility for the honesty and competency of the administration, selecting the principal subordinates, and handling the personnel relations. It should also

*Election Boards and Commissions of Selected Cities \**

| City                    | No. of members | By whom appointed  | Term (years) | Annual salary      | Appointed upon official party recommendations | Subject to budgetary control |
|-------------------------|----------------|--------------------|--------------|--------------------|---|------------------------------|
| Boston . . . . .        | 4              | Mayor              | 4            | \$6,000            | No  | Yes                          |
| New York . . . . .      | 4              | Aldermen           | 2            | 5,000              | Yes   | Yes                          |
| Philadelphia . . . . .  | 5              | Governor           | 4            | 4,000              | No  | Yes                          |
| Baltimore . . . . .     | 4              | Governor           | 2            | 2,500              | Yes   | Yes                          |
| Pittsburgh . . . . .    | 4              | Governor           | 4            | 3,000              | No  | Yes                          |
| Cleveland . . . . .     | 4              | Secretary of State | 4            | 4,487 <sup>b</sup> | Yes   | No                           |
| Cincinnati . . . . .    | 4              | County judge       | 4            | 3,396              | Yes   | No                           |
| Chicago . . . . .       | 3              | Governor           | 4            | 4,000              | No  | No                           |
| St. Louis . . . . .     | 4              | Governor           | 4            | 5,000              | No  | No                           |
| Detroit . . . . .       | 3              | <sup>c</sup>       | 2            | 5,000              | No  | Yes                          |
| Milwaukee . . . . .     | 3              | Mayor              | 3            | 2,000              | Yes   | Yes                          |
| San Francisco . . . . . | 5              | Mayor              | 4            | 1,000              | No  | No                           |
| Rochester . . . . .     | 1              | <sup>d</sup>       | 4            | 4,500              | No  | Yes                          |
| Omaha . . . . .         | 1              | Governor           | 2            | 4,500              | No  | Yes                          |
| Denver . . . . .        | 8              | <sup>e</sup>       | 4            | 1,000              | No  | Yes                          |

\* The jurisdiction of the election board of Cincinnati, Cleveland, Rochester, and Omaha includes in each case the county in which the city is located.

<sup>b</sup> The compensation of the election boards of the counties of Ohio is fixed by state law upon the basis of the number of precincts within their jurisdiction for each election conducted, and consequently varies from year to year. The figures given in the table are an average for a four year period on the basis of the present number of precincts.

<sup>c</sup> The city clerk, the president of the common council, and the judge of the recorder's court constitute the election board of Detroit. All three are popularly elected.

<sup>d</sup> The election commissioner of Rochester is appointed by a board consisting of the county judge, the special county judge, and the surrogate.

<sup>e</sup> The election board of Denver consists of two popularly elected members and the city clerk, who is appointed by the mayor.

hear appeals and complaints. This work should require only a comparatively small amount of time, and it is unwise to pay a disproportionate salary. A high salary makes the position attractive to the very type of person who should be kept out of the office—the professional politician or the man who wants the money—and operates to destroy the prestige value.

" This is demonstrated by the commission in a large Eastern city. The members are on hand most of the time, but the presence of all of them adds little to the efficiency of the office. They do not engage in clerical tasks, and the supervision is largely left to a few employees. There is little for them to do.



**Powers of the City or County Offices.** The most important power of the city or county election office is that of appointment and removal of the office force and the precinct officers. Unfortunately, by law or by custom, this power is usually delegated to the party organizations, and the election board surrenders its principal means of control. The most effective action which any election board can take is to use this power to secure competent and honest officers. It is not an easy task to recruit the required number of precinct workers, and some offices, because of inertia rather than subservience to the political machines, weakly resign this power and accept the lists handed in by the organizations. This power is occasionally used in an energetic manner, without regard to party recommendations, and the result is high grade precinct officers.<sup>20</sup> In a number of states the power of removal is expressly vested in the city or county election office, but this power is rarely used.

The office in charge of registration for the city or county has general supervision over the precinct or field officers, and may train them and issue instructions. Supervision is difficult where registration is conducted in every precinct on the same days. As a matter of fact, the city or county office could exercise more effective supervision than it does at present. The usual practice is to inspect or investigate the work of the precinct officers only upon complaint. A few inspectors could be used with telling effect to make the rounds from precinct to precinct, especially in the sections of the city where fraud and irregularities are suspected.<sup>21</sup>

Since the actual field supervision of registration is slight, the instructions issued to the precinct officers are of considerable importance. They are usually the only means taken by the election office to secure regular and thorough administration. It goes without saying that the instructions should be carefully drawn. Frequently they are meager and poorly arranged; often they consist of merely a paraphrase of the law on a few points.

<sup>20</sup> This is particularly true of Omaha, Detroit, St. Louis, and San Francisco.

<sup>21</sup> "Flying inspectors" are used in Omaha on election days

The law itself is not a suitable guide or set of instructions for the precinct officers, for it is cast in legal phraseology and is not devised for instructional purposes. The instructions should explain, in chronological order, the work of the precinct or field officers, giving examples of correct entries, warning against the more common mistakes, and answering questions which are likely to arise. They should not be so long as to deter the precinct or field officers from reading them, and at the same time they should not be meager (which is more frequently the case). The arrangement should make it easy for the precinct officers to look up information upon disputed points.<sup>30</sup>

In a few places some effort has been made to give personal, oral instructions to the precinct officers. The election commissioner of Monroe County, New York, requires the attendance of precinct officers at a meeting before the period of registrations and elections, and instructs them in their duties, explaining any new or unusual matters. The precinct officers are paid one dollar and carfare for attendance. The commissioner insists upon attendance of all officers, even those with the longest service, upon the ground that *regardless of previous service, most officers forget many of the details between elections.*<sup>31</sup> Elsewhere similar means have been used to instruct the precinct officers, but, generally speaking, the instruction given at large meetings has been rather unsuccessful. Frequently it has been used for political purposes rather than to improve election administration. Oftentimes a member of the election board or its attorney or someone else unfamiliar with the practical details of handling registrations and elections exhorts the precinct officers. A few election offices make a hit-or-miss attempt to instruct new precinct officers when they come for supplies. In Detroit the single officer in charge of each precinct is required to come to the central office for instruction. This practice has worked well.

The effectiveness of the instructions depends largely upon the ability and knowledge of the person who gives them, and

<sup>30</sup> The registration instructions used in San Francisco are included in Appendix 3. They are excellent in form and content.

<sup>31</sup> Statement to the writer by Commissioner H. A. Nichols.

upon whether they are stressed. If they are given in a half-hearted manner, by persons who themselves do not have an intimate grasp of the work, or in a hit-or-miss manner, needless to say, they are ineffective and useless. If thoroughly given they undoubtedly have an appreciable effect toward producing uniform, regular, and efficient conduct of registration.

The registration supplies, books, forms, and various materials of one kind and another are usually procured by the city or county office and distributed to the precinct officers. This is largely a matter of purchasing and printing rather than a means of control. It offers little opportunity to influence the conduct of registration, though it is important in itself. The great variation in the cost of printing and supplies indicates that there is a considerable amount of spoils in political contracts.<sup>32</sup> The county or city officers also provide the precinct places for the conduct of registration. Formerly these were an important item of political spoils, but owing to the increased rental costs without a corresponding increase in the amount paid for registration places, this is no longer the case.<sup>33</sup>

In a number of states appeals may be taken from the action of the precinct officers to the county or city officers.<sup>34</sup> But even where appeals are not specifically provided by law, complaints, which usually produce about the same results, may be made. While as a safeguard to the elector, provision should be made in the law for appeals to the city or county officers, they are used so infrequently that they do not constitute an important means of administrative supervision.

A few election boards possess an unlimited spending power. The more common rule is that the budget of election offices must be approved by the legislative body of the city or county,

<sup>32</sup> See Chapter X, on the cost of registration.

<sup>33</sup> For a further account of registration places, see Chapter VIII.

<sup>34</sup> County officers are given the power of hearing appeals in Alabama, Florida, Missouri, New Jersey, and Tennessee, while city officers are given this power in Connecticut, Pennsylvania, Nebraska, Kansas, and Missouri. Doubtless the power is also exercised elsewhere without express statutory provision.

though the latter may not remove or reduce items specifically called for by state law, such as the salary of the election board and that of the precinct officers during the days of registration and election. It is not advisable to make the election office an independent spending agency. If it has a perfectly free hand, it is not likely to scrutinize expenditures with the same eye to economy as the body which is charged with the financial responsibility and has to raise the revenue. The independent spending election board pays higher salaries and buys more expensive equipment and supplies than the board whose budget is subject to review.<sup>4</sup> However, if the budget of the election office is subject to review, there is always danger that the reviewing body may seriously hamper the work of the office by paring or disallowing items not specifically required by state law.<sup>5</sup> The grant of power and the provisions for budgetary control should be worded so as to permit the election or registration office to mandamus the proper authority to secure funds when they can show a reasonable necessity for an investigation or other unusual expenditure.

<sup>4</sup> For example, San Francisco, with a registration of 219,434 in 1924, had a permanent office force of twenty persons, while Alameda County (including Oakland and Berkeley), with a registration of 199,132, had only three permanent employees. Both places operated under practically the same law, with the exception that the election board of San Francisco is an independent spending agency, while the budget of the county clerk of Alameda County is subject to review. It must be said, though, that the election office of San Francisco is much more thoroughly conducted.

<sup>5</sup> For example, several years ago the election commissioner of Omaha had considerable difficulty in securing competent clerical employees at fifty cents per hour, which was all the county commissioner would allow. Another example may be taken from Philadelphia. The registration commission suspected fraudulent registration in 1925 and decided to conduct a fairly wide investigation. The city council opposed the investigation, and refused to provide the money. The commission went ahead and borrowed money upon the personal notes of the members, instituting mandamus proceedings to force the city to pay. The investigations brought to light sensational frauds (see Appendix 2), though the work was greatly handicapped by lack of funds, and later the council paid the bills without fighting the matter in the courts. Another example is to be found in Pittsburgh, where the council has seriously hampered the work of the registration commission by paring down the budget and refusing to allow items for the conduct of investigations.

## CHAPTER VI

### THE RANK AND FILE

**Office Employees.** The number of regular or permanent office employees varies somewhat in proportion to the population of the city or county. As shown in the table below, New York City has eighty-five employees in its six election offices, while cities of less than fifty thousand do not usually have any regular employee who devotes his entire time to election matters. There are, however, some striking differences. Boston requires forty-seven regular employees to handle 247,636<sup>1</sup> registered voters, while Detroit gets along with only five office employees to take care of 359,102 registrations. Rochester and Cincinnati each have nearly the same number of registered voters,<sup>2</sup> but Cincinnati has twenty-four office employees, while Rochester has only four. The two cities have quite similar registration systems. Chicago, with 1,092,097 registered voters, has 117 regular employees, or one employee to every 9334 voters, while Milwaukee, with 177,091 registered voters, has only two regular employees, or one to every 88,545 voters. This ratio applied to Chicago would reduce the number of employees from 117 to thirteen. It is significant that in Chicago the employees are appointed upon the recommendation of the party organizations, while the Milwaukee employees are under the city civil service system.

The state election laws usually provide certain legal qualifications for office employees, ordinarily including citizenship, residence, and bi-partisan representation. The provision for equal division between the two dominant political parties tends to increase the party machine control over the office. In most cities the office force is recruited from the ranks of professional

<sup>1</sup> The statistics are for 1924

<sup>2</sup> Rochester, 165,473; Cincinnati, 165,530

politicians, with little attention to clerical ability. There are a few exceptional election offices, notably Detroit, Omaha, Milwaukee, San Francisco, and Los Angeles, where the employees are competent. No private organization would attempt to get along with the type of employee usually found in election offices. The actual qualifications of the office employees of many election offices to-day are accurately pictured in the following quotation,

*Number and Salary Scale of Regular Office Employees in the Election Offices of the Largest Cities, 1925*

| City               | Registered voters | Office employees | Salary range | Average salary | Total salaries | Annual cost per registered voter |
|--------------------|-------------------|------------------|--------------|----------------|----------------|----------------------------------|
| New York.....      | 1,500,006         | 85               | \$2000-5000  | \$2622         | \$222,950      | 14.8c                            |
| Chicago ....       | 1,092,097         | 117              | 1680-4500    | 2095           | 244,000        | 26.5                             |
| Los Angeles ....   | 656,073           | 21               | 1680-4500    | 2022           | 42,480         | 6.5                              |
| Philadelphia * ..  | 478,355           | 22               | 1200-3675    | 1629           | 35,835         | 7.5                              |
| Detroit .....      | 359,102           | 5                | 2320-5000    | 2896           | 14,480         | 4.0                              |
| St. Louis .....    | 303,150           | 10               | 1872-2400    | 1925           | 19,248         | 6.3                              |
| Boston .....       | 247,636           | 47               | 1200-2700    | 1942           | 91,300         | 37.0                             |
| Baltimore .....    | 225,945           | 14               | 1600-3500    | 2071           | 29,100         | 12.9                             |
| San Francisco ..   | 219,434           | 21               | 2280-5400    | 2775           | 58,272         | 27.8                             |
| Cleveland .....    | 211,828           | 24               | 1700-5725    | 2134           | 51,225         | 24.2                             |
| Milwaukee .....    | 177,091           | 2                | 2280-3060    | 2670           | 5,340          | 3.0                              |
| Cincinnati .....   | 165,530           | 24               | 1800-4414    | 1959           | 47,014         | 28.4                             |
| Columbus (Ohio) .. | 99,785            | 14               | 1800-3578    | 1970           | 27,578         | 27.6                             |
| Omaha ... ..       | 74,012            | 2                | 1200-1560    | 1380           | 2,760          | 3.7                              |

\* The Philadelphia Registration Commission

taken from a letter of the chief clerk of a large election office to the writer:

I well remember some experiences a few years ago before we had our present form of commission and method of conducting elections; it would be difficult to imagine a more incompetent and drunken lot of loafers anywhere than the nondescript outfit that was put on registration and election work, with a few exceptions.

The employees of the election office practically everywhere are appointed by the election board or officer in charge, and are subject to removal at any time. In only a few jurisdictions are

they placed under the local civil service system.\* Spoils politics is the rule. In only a few states is it specifically provided by law that the office employees shall be selected upon the basis of nominations by the party machines, but this is the common practice by reason of the fact that the election boards themselves are selected by the party organizations, and are consequently willing to obey the orders of the machine. In many places the subservience of the election commissioners to the party machines is so complete that no appointment, removal, or promotion is made without "orders."

Usually the office employees are evenly divided between the members of the election board, each member having control of the appointment and removal or discipline of his own members, subject, to be sure, to orders from the party organization. Because of this even division of spoils, the number of employees is frequently a multiple of the number of commissioners, regardless of the amount of work to be done. In a few states the

\* The entire office force of the election office in Milwaukee, San Francisco, and Los Angeles is under civil service, and part of the office force in Boston, New York, and Detroit.

' A former chief clerk of a large election office stated to the writer:

"I might as well tell you the truth about the matter. Everybody knows that appointments, removals and promotions are not handled by the election commissioners. They do only what they are told to do. If a new employee is to be appointed, a promotion to be made, or anything else to be done, the commissioners don't count. It's the organization that counts. Every clerk in this office has some party leader behind him, and if the clerk dies or leaves the office, that leader gets busy with the organization and sees to it that the place goes to another one of his men. By custom every place in this office belongs to one of the local leaders, but some of them have several places and a few haven't any at all."

In Kansas City recently an election commissioner was "bawled out" by the boss for making an appointment without consulting him. The commissioner, who was a Democrat, had been appointed by a Republican governor, without the backing of the local Democratic machine. The Democratic boss insisted that the commissioner had no right to appoint persons except as directed by the organization, that he had a lot of people to provide with jobs, and that he could not let individual office holders use their jobs to reward their own friends. The person appointed was a college graduate and the daughter of a widow who had no other means of support, and who was a personal friend of the commissioner. The commissioner refused to withdraw the appointment, for his position had not come through the Democratic boss, but agreed to consult the boss thereafter before making appointments.

election law specifies that the office employees shall be divided equally between the two dominant political parties—a provision which stresses party representation and organization control. As a result it is common for extra employees to be taken on in pairs, regardless of whether two clerks are needed, and quite commonly work is assigned by pairs, with two persons doing the work which normally would be performed by one. Where an equal division between the parties is required by law, both parties watch closely the personnel of the office, and if for any reason it becomes unevenly divided, the party with the lesser number of clerks insists upon additional appointments until an equal division is secured.

The qualifications of election office employees under civil service systems are distinctly higher, though in one city the chief clerk jokingly remarked to the writer that the principal experience of the majority of the clerks prior to entrance into the office was baseball.<sup>5</sup> If there is a local civil service system the employees of the election office should be placed under it, and in the competitive class. This is unquestionably the most feasible step that can be taken to remove the election office from politics and to improve the personnel.

Ordinarily there is no fixed term for election office employees. They may be removed at any time, and frequently this occurs when the commissioner through whom they were appointed ceases to be a member of the board. The rate of turnover of election employees, however, is not high. In many offices most of the employees, have served for years. This is easy to understand, since the personnel is selected by both party organizations, and a change in administration does not ordinarily occasion removals.

Data on the salary scale of election office employees in the principal cities are given in the first of the tables above. The particular salary scale depends to a large extent upon the relation of the election office to the body which fixes the rates of compensation. If both are a part of the same political machine,

<sup>5</sup> In New York City the election office is partly under the civil service, but in practical operation positions in the classified service are filled only by transfers and no appointments are made from competitive lists.



the result is usually a high salary scale. In a few states the salary is prescribed or limited by statute. This is usually unfortunate because the rate of pay is inflexible, has little relation to the type of work or qualifications required, and is frequently either too low or too high.\*

*Length of Service of Election Office Employees in Selected Cities*

| City               | Years of service |      |       |       |       |         |
|--------------------|------------------|------|-------|-------|-------|---------|
|                    | 1-5              | 6-10 | 11-15 | 16-20 | 21-25 | Over 25 |
| New York.....      | 17               | 37   | 4     | 16    | 7     | 4       |
| Boston .....       | 21               | 7    | 3     | 6     | 6     | 1       |
| Philadelphia ..... | 15               | 3    | 1     | 3     | 0     | 0       |
| Baltimore .....    | 4                | 4    | 5     | 0     | 0     | 1       |
| Cleveland .....    | 9                | 9    | 3     | 2     | 1     | 0       |
| Cincinnati .....   | 12               | 4    | 7     | 0     | 1     | 0       |
| Detroit .....      | 1                | 4    | 0     | 0     | 0     | 0       |
| Milwaukee .....    | 0                | 1    | 0     | 0     | 0     | 1       |
| Los Angeles .....  | 17               | 1    | 1     | 1     | 1     | 0       |
| San Francisco..... | 6                | 7    | 1     | 1     | 4     | 1       |
| Totals .....       | 100              | 77   | 25    | 29    | 20    | 8       |

The temporary employees are recruited in much the same manner as the regular force. In most cities they are selected through the party organizations and are uniformly incompetent. Their average ability is well illustrated in the following statement made to the writer by a high election officer in a large city:

We get a lot of persons as extra help who have no clerical ability. Some of them can hardly read and write. But most of

\* The salary of the employees of the Baltimore election office is definitely fixed by state law. It varies from \$1700 to \$3500 annually, and is quite high for the qualifications required. (Acts of 1924, Ch. 466.) The high salary scale was explained to the writer to be due to the fact that the state legislature fixes the salaries and the city pays the bill. On the other hand, the Registration Commission of Philadelphia is seriously hampered by the state law which fixes the maximum compensation which can be paid to the regular employees. It ranges from \$3675 annually for the chief clerk down to \$1200 annually. Only four clerks are provided for under this scale, and all others must be paid not to exceed four dollars per day. (Personal Registration Act, Sec. 43.) The commission finds it difficult to secure and keep competent persons.

the time we can use them somewhere, for we have manual work to be done on the booths and the equipment. We try them out and make an effort to use them somewhere. Before the last election we had one person who wouldn't do any manual labor and who couldn't do clerical work. I called up the ward leader who brought him in and told him we couldn't use that man. "Yes you can," he said, "I knew that fellow won't work, but I can't place him anywhere else and you will have to keep him. He is the best precinct captain in my ward." We had to keep him.

A few exceptional offices use ordinary business methods in securing extra help, employing without regard to party affiliation or organization recommendations, and find that they can secure competent persons without difficulty. Under ordinary conditions there are many persons with clerical experience, especially women, who are available. There is a great difference between the type of persons who are sent in by the party machines and those who may be hired through advertisement and selection without regard to political affiliation.

As a general rule the election board or commissioner has full power and discretion in the employment of extra help, and it is only because of the domination of the election board itself by the party machines that these positions are political spoils. The wage for extra help varies from three dollars to six dollars per day. In St. Louis, curiously enough, the salary paid to the regular and temporary employees is exactly the same—six dollar per day. Fifty cents per hour is a very common rate.

The temporary employees are taken on and laid off according to the requirements of the election office. A few offices make an effort to secure persons who have worked in the office on previous occasions, but this is not usually done. The cost of the extra help varies with the amount of work to be done, the size of the permanent force, and the political exigencies. A comparison of the cost of extra help in various cities indicates a considerable amount of waste in some cities.<sup>1</sup>

<sup>1</sup> For example, the cost of extra help in St. Louis was \$36,488.46 for the years 1923 and 1924, while that for Kansas City was \$106,541.65. Both cities operate under the same law, and St. Louis has twice as many

**Precinct Officers.** In most registration systems the precinct officers constitute the rank and file, and generally perform the actual work of registration, with little effective supervision. It should be pointed out, however, that most permanent systems make no use of precinct officers. With the spread of permanent registration they will come to be used for elections only.

*Number and Compensation.* The number of precinct registration officers varies from one to six in each precinct.<sup>a</sup> It is hardly conceivable that six persons could be used to do the same work which in other places is done by a single person, yet both extremes are to be found within the same state.<sup>b</sup> The number of officers engaged and the salary paid in some of the large cities of the country are indicated in the following table:

*Precinct Registration Officers and Their Compensation*

| City                  | Number | Per diem             |
|-----------------------|--------|----------------------|
| New York.....         | 4      | \$10.00 <sup>a</sup> |
| Boston (ward).....    | 2      | 5.00 <sup>b</sup>    |
| Philadelphia .....    | 4      | 10.00                |
| Baltimore .....       | 4      | 8.00                 |
| Rochester .....       | 4      | 7.50                 |
| Cleveland .....       | 2      | 4.00                 |
| Cincinnati .....      | 2      | 4.00                 |
| Chicago .....         | 5      | 7-5.00               |
| St. Louis.....        | 6      | 6.00                 |
| Detroit .....         | 2-3    | 10.00                |
| Kansas City.....      | 4      | 6.00                 |
| St. Joseph (Mo.)..... | 1      | 3.00                 |
| Memphis .....         | 2      | 3.00                 |
| Denver .....          | 3      | 3.00                 |
| Salt Lake City.....   | 1      | 3.00                 |
| Seattle .....         | 1      | 7 80                 |

<sup>a</sup> \$4.00 per evening.

<sup>b</sup> Evening.

In rural sections the number of registration officers to the precinct is less. Usually there are from one to three officers,

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registered voters as Kansas City. The cost per voter for extra help during the period was twelve cents in St. Louis and seventy cents in Kansas City.

<sup>a</sup> The states which have a single registration officer in all or a part of the state include: Florida, Idaho, Michigan, Missouri, Montana, North Carolina, Oklahoma, Oregon, Utah, Virginia, West Virginia, and Washington.

<sup>b</sup> St. Louis uses six officers in each precinct, while St. Joseph, a city of 77,000 population, uses only a single officer to the precinct.

though a few states have more. The compensation in most cases is fixed by the local authorities.

There is no sound reason for using more than two officers for the conduct of registration in the precinct. Two persons can do the work as well as four or six, and there is nothing to be gained by having the extra persons on hand. As a matter of fact, a single person can conduct registration fully as well as two persons, provided there is a suitable system of records. It is better to have a single responsible officer, possessed of the necessary clerical ability, than to employ a number of irresponsible officers of questionable competence.

*Qualifications.* The election laws of every state require certain qualifications of precinct election and registration officers, usually including length of residence in the state, city or county, and precinct, ability to read and write, qualified as an elector, and good character. These requirements, with one exception, have little influence upon the character of the appointments. Other factors are more important, particularly the initiative of the election office, the prestige of the position, tradition, and custom, and the character of the political organizations. The requirement of residence in the precinct, however, has unsuspected and far-reaching consequences. Upon first thought it would seem to be a reasonable and wise provision, but in actual operation it greatly hampers the selection of capable and responsible precinct officers. This is particularly true of the poorer sections of the large city. In many precincts of any large city it is difficult to get a sufficient number of desirable persons to volunteer to serve as precinct officers. On account of this situation many election commissions have found it necessary to accept the nominations handed in by party organizations, whether or not the acceptance of such lists is required by state law. In a few cities, particularly Detroit, Omaha and St. Louis, residence in the precinct is not required, and the election office has been able to recruit competent persons from the city at large without regard to precinct lines and later to assign them to precincts. In these cities it has been found desirable to break up precinct cliques

under the domination of the precinct political workers by bringing in outsiders to serve on the precinct boards."

The state election laws specify that the precinct registration boards shall contain members from both of the two major political parties." If the board consists of an even number it is customarily divided equally between the two major political parties. It is generally agreed that a bi-partisan board is necessary in the conduct of elections, and, without any independent consideration, the same requirement has been extended to registration. The conduct of registration is essentially different from that of elections. When a ballot is dropped into the box the vote has been cast, and it is practically impossible to do anything about it thereafter, but with registration it is an entirely different matter. There is ample time between the close of registration and the day of election to make investigations and to take care of any errors or frauds. The very purpose of registration is to permit this to be done. There is no need for bi-partisan representation or for a board to perform the work.

The qualities required for a precinct registration officer are not unusually high. A bank clerk is likely to make a better officer than a bank president, and a person with only a high school education may be more suitable than a college professor. The essential requirements include the following: character—honest, respectable, reputable, law-abiding; clerical ability—fair or better, with special attention to penmanship and arithmetic; personality—able to handle applicants for registration with courtesy and dispatch and to get along with fellow officers; intelligence—able to understand and carry out simple printed instructions. The methods of selection now in general use disregard all of these requirements. The best qualified persons, or

<sup>10</sup> For a discussion of the argument that registration should be conducted by residents of the precinct, see Chapter VIII. Mr. Oakley E. Distin, Chief Supervisor of Elections of Detroit, in a letter to the writer dated Nov. 18, 1926, stated:

"We feel that we have a very high class grade of election officials in Detroit, but found it desirable long ago to break up neighborhood boards to prevent any attempt at collusion."

<sup>11</sup> New Mexico is a single exception to the rule.

even the persons of average qualifications, are not brought into the service; on the contrary, the very class of persons who, by any decent system of selection, would be weeded out, are appointed. The typical defense of the character of precinct officers, made to the writer on many occasions, is that they are about the average run of citizens—respectable and of fair ability in the better precincts, less respectable and of less ability in the poorer precincts. The common appraisal by persons outside of the election office, persons who do not feel called upon to make a defense, is quite different; it is that the officers are far below the average of the precinct in which they serve. Particularly is this true in the worst precincts where the corrupt officers are the servile tools of the political machines. Persons posted on election matters know well that nine out of ten election frauds to-day are caused by collusive precinct boards, and in most cases the fraudulent acts are done by the precinct officers themselves.

*Selection.* The well-nigh universal method of selecting precinct officers is appointment on recommendation by the party machines. This is prescribed in a few states by the election law itself, but elsewhere custom, tradition, and the subservience of the election boards bring about the same result. The common defense of this practice offered by election commissioners is that they would be unable to get enough people to serve if they did not accept persons recommended by the party organizations. "What in the world would we do," queried an election commissioner to the writer, "if the party organizations did not hand in lists of persons who are willing to serve? Why, you don't realize how hard it is to get people to serve on election boards." Notwithstanding this assertion, a number of election offices appoint precinct officers without any party recommendations whatsoever, and find little difficulty in getting people to serve, once it is known that the election office itself, and not the precinct politician, makes the actual selections.

This delegation of the power of selection to the political parties, and hence to the precinct captains, works out most unfortunately. It goes without saying that the persons appointed

are chosen with little or no consideration of their qualifications, but rather with a view to their usefulness to the precinct captain. The positions on the election and registration boards of the precincts constitute a large item of political patronage, and are effectively used by the well organized political machine. The total number of precinct officers in New York City in 1924, was 17,820," while the number in Chicago was over ten thousand. In most states there are from five to seven officers for each precinct, and, in some cities where elections are held frequently, the annual earnings per officer are quite high. In Chicago, in some years, it runs as high as one hundred dollars.

The general practice of the precinct politician in selecting these officers is well summed up in the following statement made to the writer by a successful precinct captain :

I always give the jobs to the persons who can swing the most votes for me. I usually figure on from four to ten votes for every position on the election board. Sometimes I appoint a person because he comes from a family with a large number of voters, or is related to a large number of voters in the precinct. This is usually sufficient to get all of them out to vote, and vote the right way. Occasionally some family or group of voters are getting dissatisfied and I have to give them something to keep them in line.

The political machines in various states have bitterly opposed any change in the registration law which would operate to reduce the precinct patronage." This opposition has been one of the principal difficulties encountered in attempts to secure permanent registration, or improved systems which do away with all or a part of the precinct sessions.

The formal procedure for appointing precinct election and registration officers varies considerably from state to state, but the principal features may be stated. In the largest cities, and elsewhere to a certain extent, the prospective precinct officer is required to file a written application, giving the required information, such as name, age, address, length of residence in the

" Board of Elections of New York City, Annual Report, 1924, p. 11

" Particularly in Illinois, Ohio, and Pennsylvania.

city and the precinct, occupation, and party affiliation. As a general rule, the items cover the legal qualifications for the position and are used to make sure that the applicant is legally qualified, rather than to ascertain whether he would make a suitable officer. In a few cities the written application is scrutinized to judge the penmanship of the applicant, and the occupation is used to give preference to persons of clerical experience. The occupation and the name of the employer, if used with discrimination, serve to indicate much about the clerical ability and the general standing of the applicant. For example, in Detroit many bank clerks are used. They are a very satisfactory class of election officers, and can be secured because of the fact that election days are legal holidays.

Philadelphia employs one of the most pernicious systems possible. Appointments are made upon the basis of formal petitions, which must be signed by the applicant and five witnesses, who must be registered voters of the same party and residents of the same precinct. The petitions must be sworn to before a notary by the applicant and one of his signers.\* Theoretically this procedure secures a guaranty of the integrity and standing of the applicant in the precinct, and also make it possible for party voters not controlled by the political machine to secure appointment. Actually the procedure is so difficult that only the political machine will take the trouble to get the necessary signers and to file petitions in many precincts, especially in the worst sections of the city. The Registration Commission does not have the power to seek out and recruit competent persons. Respectable citizens, who would be willing to serve if appointment could be secured merely by filing a written application, are unwilling to take the trouble to go out and canvass their friends for signatures, then to go before a notary with one of the signers, and finally to submit the petition to the registration commission. The term of the precinct registration officer is only one year, and new petitions must be submitted every year.

\* Personal Registration Act, Sec 7.



This procedure operates to discourage competent and respectable citizens from serving.

In a few states the law requires applicants to appear at the election office to be "examined" before appointment. The examination in reality is usually nothing more or less than a written application. In New York City an actual examination is required of persons who have never served as election officers, but there are several loopholes through which an applicant may escape examination. He may be appointed to fill a vacancy at the polls, and thereafter be appointed without examination because of this previous service. The election office makes no attempt to verify the statement of the applicant in regard to previous service, and any person desiring to avoid the examination could allege previous service. The examination, after all, is loosely given and has little if any merit. A pamphlet of election instructions is sent to new applicants, and they are examined upon their knowledge of the election laws derived therefrom. The examination is farcical, with only a negligible number of candidates (1 or 2 per cent) being rejected. Official investigations made some years ago revealed that the answers to the questions were circulated and even left on the table at which the examination was being given, that copying the answers was permitted, that papers were graded without even a glance at the answers, and that in the first two years in which examinations were given, 1909 and 1910, out of a total of 28,310 persons examined, only twenty-three, or less than one person in a thousand, failed to pass.<sup>16</sup> The examination has never been more than a qualifying test, designed to prevent the party organizations from appointing palpably unfit persons, and it is pretty generally agreed, both in the election office and by outsiders, that it serves little purpose.

In 1911 New Jersey enacted a law providing for precinct officers a non-competitive examination administered by the state

<sup>16</sup> Commissioner of Accounts (Raymond B Fosdick), Report of a special examination of the accounts and methods of the Board of Elections, December 28, 1910, and a second report with same title by Commissioner Leonard M. Wallerstein, September 4, 1915.

civil service commission.<sup>16</sup> Examinations were held in every county of the state, but were limited to persons recommended by the organizations of the two major political parties and to other persons who submitted a petition for examination signed by five voters of the same party affiliation in the precinct. The examinations were merely a qualifying test, and provision was made for appointment of election officers by the judges of the court of common pleas in case any precinct failed to have a sufficient number of persons qualify. Applicants were required to have resided in the precinct for one year. The examination was to cover the following: ability to distinguish colors, to read and to add and subtract correctly; penmanship; knowledge of the election laws; health; eyesight; and character. Appointments were made by drawings from the list of eligibles.

At the start the law worked satisfactorily, but after the first year difficulty was encountered in getting a sufficient number of applicants to take the examinations. Party organizations soon learned that few or no independent applications would be made and that they could disregard the examinations and have their candidates appointed by the judges of the court of common pleas. The annual report of the state civil service commission in 1911 contained the following statement:

As a rule the examinations were conducted smoothly and with little difficulty. Many of the candidates were men who had formerly served as election officers under the old law. It was frequently remarked by observers who were acquainted with local conditions that these were the better class of old election officers, and that the entirely new candidates who presented themselves were, as a rule, of a better class than many who had formerly manned the polls on purely political appointment.

In later reports the commission pointed out the lack of candidates and other difficulties encountered in operating the law. In 1916 the legislature failed to make an appropriation to conduct the examinations, but the commission went ahead without funds,<sup>17</sup> and in 1920 the law was repealed.<sup>18</sup>

<sup>16</sup> Session Laws, 1911, Ch. 183.

<sup>17</sup> Civil Service Commission, Annual Report, 1917.

<sup>18</sup> Session Laws, 1920, Ch. 349

The New Jersey experiment was unsuccessful because of the following substantial defects in the law: first, too much emphasis was placed upon a formal examination; second, examinations were virtually confined to candidates submitted by the party organizations; third, a loophole was provided by which the organizations could have their candidates appointed without taking the examinations; fourth, residence in the precinct was required; and fifth, the civil service commission was given no power either to seek out desirable candidates and to encourage them to take the examination or to adapt the examination procedure to the situation as it developed. The New Jersey experience, therefore, does not conclusively prove that the merit system cannot be applied to the selection of precinct officers, but it does indicate that too much emphasis should not be placed upon a formal examination.

In rural sections and smaller cities appointments are frequently made upon the basis of personal acquaintance, and there is no particular difficulty in securing satisfactory persons without any formal or detailed procedure. Sometimes appointments are made after consultation with the precinct political workers, though usually without delegating the actual selection to them. In many rural sections, however, the precinct political captains dictate the appointments fully as much as in any large city.

The election commissioners of St. Louis, within the last several years, have made appointments without regard to party nominations, and have evolved a significant technique of selection. The commission has power to compel service, and when new officers are required a panel of citizens who are residents of, or who are employed within, the ward is made up and notices sent out requesting them to appear at the election office for examination. The applicant makes out a formal application when he comes in, and this is checked by an office employee. The applicant is then interviewed by one or more members of the commission. In most cases the commissioner has little difficulty in passing upon the qualifications of the applicant. Persons of obviously poor clerical ability or who are personally unfit

are quickly rejected. The occupation and business connections are used as an indication of the standing of the applicant. Informal contracts are made with the largest business firms to supply an agreed number of their employees. Since the state election law does not require residence in the precinct, but simply the appointment of persons who reside or work in the ward, the precinct officers of the down-town wards are drawn largely from persons who are employed in the ward, but who do not reside in it.

This system has worked with a high degree of satisfaction. At first a few citizens objected to being compelled to serve, but there is no longer any question of the honesty of the conduct of elections. The only dissatisfied group is composed of the politicians, who speak with disgust of the "silk stocking" precinct officers. The change was made without any statutory revision, except the repeal of the requirement of residence within the precinct.

The method of selecting precinct officers in Omaha is somewhat similar to that in St. Louis, except that no panel of prospective appointees is made up. When the present system of election administration was started in Omaha, the single election commissioner called upon the best citizens of the city to serve on the election boards, particularly in the "river" wards where the political "gang" had its stronghold. The election commissioner<sup>10</sup> was a man of vigorous personality and refused to excuse even his best friends from service. He told the leading citizens that it was their duty to serve and thus put a stop to the election frauds and irregularities. The story is told that in one precinct the politician arrived at the polls with the intention of "bulldozing" the "high-brow" election officers. When he found that the cashier of a leading bank, the manager of a large wholesale house, and a prominent attorney were the judges of election, he hastily quit the room and remarked to a henchman, "That's a h—l of an election board." No longer is it necessary to recruit the leading citizens for positions on the precinct election boards,

<sup>10</sup> Honorable Harley G. Moorehead.

but substantial, respectable citizens are selected without party recommendations and without any attention to precinct or ward lines. The power to compel service has not been used within recent years. No formal system of examination is given for the relatively few new election officers required each year. They are recruited largely from voluntary applicants and from personal acquaintances of the election commissioner and his assistants.

In Detroit a high wage is paid to the members of the precinct election boards—ten dollars per day. Since it is well known that the selections are made by the election office itself, without regard to party recommendations, the voluntary applications are sufficient to fill all vacancies. No regard is paid to party affiliation and little to precinct lines. Many of the banks are glad to have their clerks serve, since election days are bank holidays and election service exempts one from jury service. The candidate must appear in person at the election office to make out an application, giving among other items his occupation and the name of his employer. The clerk in the election office scrutinizes the applicant and makes a note upon the application indicating his personal appearance. Appointments are made largely upon the basis of occupation, standing of the employer, penmanship, and personal appearance.

The experience of these three cities provides proof that an election office can divorce election administration from machine control and secure competent persons to serve as precinct officers.\* If the requirement of residence in the precinct is abolished, if adequate salary is paid, if it is generally known that the election office and not the party machine makes the appointments, little trouble will be encountered in securing competent persons. None of these cities relies upon a formal examination, but attention is given to occupation, business connections, penmanship, and clerical ability as indicated by the written application. Personal

\* No study has been made by the writer of the precinct officers in a number of cities where the precinct officers have nothing to do with the conduct of registration. These include: Portland (Oregon), San Francisco, Los Angeles, Boston, and other cities.

interviews are used to weed out persons with an objectionable personality and those who are otherwise unfit. This procedure is essentially sound and is more suitable than a written examination upon the duties of election officers, such as is given in New York City.

The prospective election officer should not be expected to know the election law; this he can learn after appointment and through experience. The most desirable type of citizen will not be willing to study the law and to take an examination on it to secure the position. The recruiting process should test the reputation, clerical ability, and integrity of the applicants rather than their knowledge of the election law. Formal examinations are unnecessary and are likely to keep away the most desirable persons. A written application covering the legal qualifications and also the occupation, name and address of employer, references, and a few other items is more suitable and less objectionable. If it is combined with a personal interview by a member of the election commission or the chief clerk, ample information will be secured for making proper selections.

The procedure of application and selection should be made as convenient and easy as possible for the respectable citizen who is willing to serve for patriotic rather than partisan motives. He should be required to come in person to the election office only once. There is no point in requiring old election officers to file new applications every year or every two years, as is frequently done. The election office should keep the original application and record of appointment on file, as well as a simple personnel record, and thereafter make reappointments without the bother of new applications. Form notices may be used to ascertain whether old officers are willing to serve again. In various other ways the position of election officer could be made more attractive to the citizen. Trips to the election office for supplies and salary, and other hardships, should be discontinued.

The term of the precinct officers varies from one to four years. It is not a matter of great importance what the term provided by law is, though a longer term is desirable; but the turnover of election officers does matter. Whether the term is one, two, or

four years, an attempt should be made to hold every precinct officer for at least four years. Frequently a good election officer is willing to serve continuously year after year, and every effort should be made to retain the services of such persons.

In a number of states the election law requires that the names of the prospective appointees be advertised and a formal session held to hear objections. This procedure is expensive and of little value, since few objections are ever raised. It would seem to be a better procedure to stress careful selection of precinct officers rather than to provide methods for protests. If some provision for the latter is deemed necessary, a more feasible and less expensive method would be to require the election office to post a list of prospective appointees a week before the appointments are made, and to permit any citizen or organization to scrutinize the list and to file complaints, which would be heard before final appointments were made. If the election board is given the power to make removals and will exercise this power upon complaint, there is little need for this procedure. In about half of the states the appointing officer is specifically given the power of removal, and in most other states it is implied. It is, however, unusual for election officers to be removed.

*Discipline.* It is not at all easy for the election office to bring the necessary pressure to bear upon the precinct officers to make sure that they comply with the law and instructions, and conduct the elections and registrations properly and courteously. Precinct officers are often negligent and discourteous, and frequently perform their work in a slovenly and irregular manner. Some years ago the Office of the Superintendent of Elections of New York State examined the registration books of various counties and found a very large number of clerical errors and omissions. In Chicago it is not uncommon for the precinct officers to omit filling in the data on the second page of the registration books. If the election office could exercise effective discipline in cases of this kind the whole tone of registration administration would be improved. At the present time little discipline is exerted over precinct officers, especially where the party organizations are strong. The principal means of disciplining the precinct

officers is the threat of criminal punishment for violation of election laws. This is largely ineffective, since it is very difficult to secure convictions and only rarely is any attempt made. The possibility of criminal punishment is so remote that it has little effect upon the conduct of precinct officers. It is necessary to develop other means which may be used more freely.

In Chicago the election commissioners are appointed by the county judge, and the precinct officers are legally officers of the court. The county judge by reason of this fact may punish the precinct officers for contempt, if it is proved to his satisfaction that they are guilty of misconduct or failure to perform their duty. It is not necessary to prove their guilt before a jury. In former years this power was used extensively and effectively, and instilled a desirable fear in the precinct officers,<sup>21</sup> but it was permitted to lapse almost into disuse. It has been recently revived, however, by the present county judge.<sup>22</sup> In the hands of an energetic judge, this constitutes a powerful weapon for disciplining precinct officers. It may be objected to, however, on the ground that contempt of court should be restricted to purely judicial procedure.

In a few cities the election office has resorted to the device of withholding the salary of the precinct officers, or the threat of doing so, as a means of securing compliance with certain provisions of the law and instructions. This has always had excellent results. In Columbus, Ohio, for example, the precinct officers in former years never returned the supplies, such as ink, pens, and pencils. A few years ago the election office threatened to withhold the salary of any board which failed to return the supplies, and since that time the supplies have been returned in every case.<sup>23</sup> Other cities have had similar results from the use of this threat.

It would be entirely feasible and practicable to authorize the election office to refuse to pay the salary of any precinct board

<sup>21</sup> This was particularly true of the administration of Judge Orrin C. Carter.

<sup>22</sup> Judge Edmund K. Jarecki.

<sup>23</sup> Statement to the writer by Mr. John E. Crooks, Chief Clerk, April, 1926.



or member for failure to perform in any respect their duty as election officers. A provision of this kind would be much more effective than a threat of criminal punishment, for it could be applied without the formality of a trial and could be used more freely. It should not displace in any way the present lengthy penal provisions in the election laws, but would provide a supplementary means of discipline. Hearings before the election commission should be conducted in a summary manner and its findings should be final with respect to whether the salary should be paid or forfeited. The pay of all precinct officers should be held up for a week or ten days following an election or registration. This would permit the election office, before mailing the officers' compensation, to check over the records to ascertain whether any officer or board had failed to comply with the law or to perform the required work, and also to entertain any complaints.

Registration records should always be checked over on return to the main office, in order to make sure that they have been made out properly. Any officer failing to comply with the law and instructions should be called in and required to explain his failure, and to make corrections wherever possible. If precinct or field officers know that their work will be inspected in the central office and that negligent work will not be accepted, there will be little trouble encountered on this score. This is probably the most effective means of securing thorough and careful work, especially if the election office has the power to withhold salary. Most offices at the present time make no sort of inspection of the work of the precinct officers, thus inviting negligent and irregular work.

**Discretion of Precinct Officers.** The conduct of registration is almost wholly clerical routine, and consequently, as a rule, little discretion is granted to the precinct officers. It is their business to register those who apply, unless they are obviously disqualified on some ground. As a general rule the precinct officers are not given the power to pass upon the truthfulness of the assertions of the applicant. In a few states they may hear challenges, though challenges are almost always made at the polls and are

decided upon there. Fraudulent registrations cannot be detected until after the registration has been conducted and an investigation made of the persons on the list. The proper procedure for purging the registers of fraudulent entries is through a hearing before the election or registration office of the city or county.

In the Southern states, however, the precinct officers are given a wide latitude of discretion. The applicant is required in several Southern states to prove his qualifications to the satisfaction of the precinct officer! This unusual grant of power has been made to make it possible for the registrar to deny registration to the Negro applicant. In several Southern states the literacy provisions require the applicant to give "a reasonable interpretation" of the constitution. The "reasonableness" of the interpretation is judged by the precinct register, who makes his decision purely upon color lines.<sup>24</sup> In the Southern states which do not have the "reasonable interpretation" clause it is common for the registrar arbitrarily to deny registration to all Negro applicants, though in Maryland, Tennessee, Kentucky, and parts of Virginia some colored persons are permitted to register and vote. The Negro in the South has been disfranchised largely through the arbitrary administration of registration rather than by the literacy requirement and other suffrage qualifications. Indeed, it was for this purpose rather than to prevent fraudulent voting that the registration provisions of the Southern states were enacted.<sup>25</sup>

**Summary and Conclusions.** Most of the existing ills in the organization and personnel of election and registration administration are caused by the degradation of the service to spoils politics. The registration and election officers from the top

<sup>24</sup> The following story told to the writer indicates how this provision may be worked. In Mississippi a Negro attorney, graduate of Harvard, determined to register and vote, and applied to the precinct registrar, a blacksmith. The registrar asked him to give an interpretation of the due process clause, which he did with a considerable amount of learning and ability. When the Negro attorney had completed his "interpretation," the registrar ruled that it was not "reasonable" and refused to register him.

<sup>25</sup> See E. M. Sait, *American parties and elections*, Ch. 2, and J. C. Rose, *Negro suffrage: the constitutional point of view*, *American Political Science Review*, I, 17-43 (November, 1906).

down are frequently incompetent and sometimes corrupt. The bitterest and most unscrupulous partisans are placed in charge, whereas public policy should dictate that they keep hands off. The most fundamental reform in the administration of elections and registrations is to take it out of the hands of the politicians. This is easier said than done. The principle of bi-partisanship has broken down wherever it has been tried. It is based upon an assumption which is usually untrue—that the two party machines are actively opposed to one another. It is common for the dominant political machine, particularly in the wards of a large city where election frauds occur, to control the party organizations of both major political parties.

As long as the chief election officers of the city or county are selected and controlled by the political machines, no progress can be made. It is difficult to devise any law which will definitely and surely take the administration of elections and registrations out of the hands of the party machines. The most feasible steps in that direction are: first, provide for a single election commissioner or place the administration in the hands of one of the regular officers of the city or county; second, do away with all requirements of bi-partisanship all along the line; third, eliminate the requirement of residence in the precinct for precinct officers; and fourth, place full power and responsibility for the administration squarely upon the chief officer, with the hope that he will shoulder this responsibility and refuse to turn over the office to the political machines.

Technical advancement in registration administration will probably come through greater state supervision. The state election laws are ineffective as a means of securing uniform and thorough administration, and should be largely displaced by administrative regulations and instructions, issued by a professional state office in charge of elections and registrations. The gross mismanagement of elections and registrations, which is always brought out in election contests, indicates that the present methods of supervision and control exercised by a decentralized administration are ineffective.

## CHAPTER VII

### RECORDS

The great bulk of the work in the administration of registration consists of purely routine clerical operations, and the records are of considerable importance. Milwaukee and Omaha have permanent registration systems which in many respects are similar, yet the annual cost of registration in Omaha per registered voter is twice as high as that of Milwaukee, principally because of a cumbersome system of records. Permanent registration in Boston, because of an obsolete and expensive system of records, costs as much as annual or biennial registration in a number of other cities. The cost of registration under any system, but particularly under permanent registration, is largely determined by the kind of records in use. The effectiveness of the registration in preventing frauds, its convenience to voters, and the whole registration service hinge in large part upon the records.

**Registers of Voters.** Most of the existing records belong to the days when the typewriter had not been invented and loose-leaf or card records were unknown. Practically all of the clerical work at present is laboriously written out in longhand, usually in three or four separate records, which consist of ponderous bound volumes. Items of information about the voter which are of no possible use in connection with elections and have nothing to do with the qualifications for voting, are frequently included.

**Form.** The registers are usually in the form of bound volumes for each precinct, though loose-leaf or card records are used in a number of states. The information required for registration is entered in the bound volumes upon a single line for each voter, with the various items entered under appropriate

columns covering one or two pages. The loose-leaf or card records contain a single registration on each card or sheet, and the data is entered in spaces provided for the purpose.

The bound volumes are in more general use than the individual records, but are quite unsuited to any system of permanent registration and are not well adapted for biennial or quadrennial systems. They serve fairly well at the first election after they are prepared, but thereafter they become clogged with the names of voters who have died or removed. An examination of the bound records of any quadrennial registration city will show that before the fourth year there are more names crossed through than otherwise, and consequently it becomes increasingly difficult to use the registers at the polls. For this reason bound volumes are altogether unsuited for permanent registration. The superiority of individual records is due to the fact that cancelled registrations may be removed and the register kept clean of dead weight.

Another serious disadvantage of bound volumes is that they do not permit transfers to be made. If a voter changes his residence within the city or county it is necessary for him to register again, instead of transferring his old registration to his new address, by a written request mailed to the election office. If individual records are used, either loose-leaf or cards, a new address may be entered, the card placed in the proper file, and the transfer thus made. If bound volumes are used it is necessary to write out the entire data again in the register of the proper precinct, and the voter must be on hand to sign his name. This difference of procedure in handling a change of residence is extremely important in a permanent system, for after the original registration there are usually twice as many removals as new registrations. If every voter who has moved is required to re-register, it is a bother to him and a heavy expense is involved in making the new records. Not only this, but if a new registration is made, the previous registration is likely to remain uncanceled, and the name may be voted by an unscrupulous political machine.

It is more expensive to record registrations upon bound volumes than upon loose-leaf forms, since the data must be entered by hand in the two or more volumes, while loose-leaf records may be typewritten in duplicate. Bound volumes make it difficult, though not impossible, to conduct registration at the central office. When the elector appears at the central office to be registered it is necessary to ascertain in what precinct he resides, and then to find the bound volumes for that precinct. This is done in Seattle, but with difficulty. If loose-leaf or card records are used, registrations may be taken at the central office or any other place without difficulty, for the data is entered on the blank forms and is later filed in the proper precinct. In practice, bound volumes restrict the registration usually to the precinct sessions. Every voter must appear before the board of his own precinct on the registration day. Loose-leaf or card records make it possible for registrations to be taken also at the central office, at branch offices, public meetings, or even in the home of the voter by a field deputy.<sup>1</sup>

Loose-leaf or card records afford a registration history of every elector, since the record shows the date and place of the original registration and the changes of address. They make it possible also for the voting history of each voter to be entered upon his registration record, a provision which has been included in recent registration bills. A record containing a complete history of the elector, including the places from which he has been registered and the elections at which he has cast his ballot, would be very useful. It would facilitate the prosecution of election frauds, stimulate regularity of voting, and make possible in the future scientific studies of the election process. A separate record of this kind was for some years maintained by the New York State Superintendent of Elections because it was thought essential to the prosecutions of election frauds. These records were discontinued with the abolition of the office in 1921.

An occasional criticism of loose-leaf or card records is made on the ground that they may be tampered with and are more

<sup>1</sup> The California practice. See Chapter VIII.

likely to result in clerical errors, such as the placing of a record in the wrong precinct. The experience of various states and large cities with loose-leaf or card records indicates that these objections are only theoretical. Loose-leaf or card records may be securely bound and locked before being sent out to the precincts, making it difficult, if not impossible, for corrupt precinct officers to add new records or to take out any records. As a matter of practice, this never happens. These records require the signature of the registration officer, and this prevents any padding of the register. In Milwaukee the only copy of the card records is sent out to the precincts without being locked in any way, and yet no trouble has ever been encountered along this line. In Omaha the precinct registers are securely locked before being sent to the polls, and no case of tampering has ever been detected.

There is always the possibility that a loose-leaf or card record may be placed in the wrong precinct, but the danger is slight. If a printed or typewritten street list of registered electors is made, it shows up any errors of this kind. If a duplicate record in alphabetical order for the entire city is maintained in the election office, the few mistakes which occur can be rectified on the day of election.

There is also the further question as to whether the loose-leaf or card record is better adapted for registration. Both are used with a high degree of satisfaction. Milwaukee, Minneapolis, St. Paul, and Portland (Oregon) use the cards, while Los Angeles, San Francisco, and Omaha use the loose-leaf records. Cards are more compact and perhaps more easily handled in the office, while loose-leaf records may be bound and locked more readily for use at the polls. Loose-leaf records may be made out on the typewriter, and in duplicate, while cards must be made out singly.

The ideal record for registration is the visible equipment, which comes in a wide variety of forms. All of the cities in Wisconsin adopted some type of visible record when the permanent registration law went into effect in 1927, and several cities

in Minnesota had previously used visible forms. Visible records speed up the office operations, particularly the finding of a record, and also the preparation of typewritten lists. Certain types of visible records may be photostated at a small cost, and thus provide accurate lists of registered voters for each precinct and do away with the cost of printing or typewriting the lists. The saving in this item is very great. Visible records may be arranged also to show a voting history of the elector on the index line of the card, which is a valuable feature. Another advantage of visible equipment is that the precinct officers may find the proper record more readily, and consequently make an actual comparison of the signature where a comparison is required.

*Arrangement and Number.* The bound volume registration records are usually arranged alphabetically with one or more pages for each letter of the alphabet. Electors whose last names begin with the same letter are recorded together on the proper page, but since they are registered in the order of their application, no attempt is made to make the record perfectly alphabetical. For example, Miss Axtell may be the first person recorded under the "A's" and Mr. Aaron the last. Consequently when the precinct election officers look up the registration of an elector at the polls they are forced to run down the list until they come to his name. Frequently there are several pages of registrations under some of the letters of the alphabet, and, needless to say, this arrangement tends to slow up the conduct of elections.

In four states<sup>2</sup> the registrations are recorded on the bound volumes in the order in which the electors register, with no regard to an alphabetical arrangement. This results in a registration record that can be used only with an index, for otherwise it would be practically impossible to find the record of any voter. Some form of alphabetical index is provided in these states. The index shows the page and line upon which the registration record has been made, and the election officers may

<sup>2</sup> Ohio, Iowa, Colorado, and Idaho



refer to the record itself when necessary. Usually the index is contained in the back of the bound register.\*

There is not a great deal of difference in the merits of these two arrangements. The latter arrangement involves an extra amount of clerical work, since an alphabetical index or additional list must be compiled to make the original registers usable. That there is little need for a list of registrants in the order of their application, is indicated by the fact that most systems do not provide for such a list and are not handicapped by the lack of it.

Where loose-leaf or card records are used they are filed in a variety of ways. In Milwaukee they are arranged in street order for each precinct, beginning with the lowest number of each street within the precinct and continuing to the highest number. The streets are arranged in order from east to west and north to south.<sup>4</sup> Omaha, Minneapolis, St. Paul, Portland (Oregon), and California cities arrange the precinct register in alphabetical order, while in California the duplicate records are arranged in exact alphabetical order for the entire county.<sup>5</sup>

When the registers consist of bound volumes it is usual for all copies to be arranged in exactly the same order; with individual loose-leaf or card records, it is quite feasible to file the original records by precinct in the order of streets and numbers, as in Milwaukee, and to file the duplicate in exact alphabetical order for the entire city or county, following the California practice. The street order is preferable to the alphabetical order for the precinct register.<sup>6</sup> If the records are arranged by streets

\*This is true in Cincinnati, but in Cleveland and Columbus the index and the register are bound separately. In Idaho the separate "Electors' Oaths" are arranged alphabetically and serve as an index. The original register in Iowa is made up in the order that the voters appear, but the other copies are arranged alphabetically, and may be made after the close of registration. In Colorado, lists of registered voters are prepared in alphabetical order after the close of registration and these serve as an index.

<sup>4</sup> Wisconsin Statutes, Secs. 10, 12.

<sup>5</sup> California Political Code, Sec. 1113. For a further account of the records, see Chapter XII.

<sup>6</sup> Where there are several records from the same address, these should be arranged alphabetically.

and numbers it is possible to ascertain immediately the names and the total number of electors registered from any address. This is highly important in the investigation of registration. Where printed lists of registered electors are made, they are almost always arranged by streets and numbers to facilitate canvassing and investigations. If the precinct register is arranged in the same order, it is an easy matter to prepare the printer's copy and to check it against the register to avoid errors. If the precinct register is arranged alphabetically, it is a complicated task to prepare a street list from it, and it is well nigh impossible to check the accuracy of the printer's copy.

It may be objected that the precinct register arranged in order by streets would not be as usable at the polls as the alphabetical list, but this contention is not valid. No trouble has been encountered in Milwaukee where the cards are arranged in street order. When the elector appears to vote he announces his name and address, and his registration record is looked up by his address as easily as by his name. Suitable guide cards may be used to indicate the records for each street, and for each block of the street where necessary. It should be borne in mind that the typical bound precinct register at the present time is not truly alphabetical, and the election officers may have to run through several pages before finding the record of an elector.

The duplicate registration record which is kept in the election office should be arranged alphabetically for the entire city, constituting an index of all the registered voters. Mistakes may be detected and corrected frequently by the use of an alphabetical file, for it is thus always possible to find the record of a particular elector, even if his registered address is unknown. If the precinct registers are arranged by streets and numbers, and the office records alphabetically for the entire city or county, the registration office can render a high quality of service, and is equipped with the records essential for the detection of frauds.

The number of records varies from one in several states to four in New York.<sup>1</sup> There should be duplicate records in any

<sup>1</sup> Detroit, Milwaukee, and Portland (Oregon) are the largest cities with only a single record.

system of registration, with the duplicate retained in the central office and used as an index to the registered electors of the city or county, but it is inadvisable to provide for more than two records. In many states two or even three records are sent to the polls, but there is little if any reason for this practice. It involves a needless expense and does not operate to obviate clerical errors. The more clerical work placed upon the registration office the more mistakes will be made, and mistakes in duplicate registers will not help. It is sometimes said that the cost of preparing an additional precinct register is very small. The original cost of making the records, whether bound or loose-leaf, is not great; the real expense comes in maintaining and keeping corrected for each precinct two or more registers instead of one. The office work in maintaining a single register for each precinct is considerable, and it is multiplied by the addition of duplicate records.

It is sometimes deemed essential to keep at all times in the registration office a duplicate register of each precinct so that it would be easy to detect any tampering with the precinct registers when they are sent out of the office, and also to avoid any embarrassment if the precinct register should be lost or destroyed. That there is no real need for this, is indicated by two important facts: first, in most states no provision is made for duplicate registers to be kept in the registration office at all times, and no trouble is encountered; and second, in places where a duplicate office copy is required, the precinct register which is sent out to the polls is never checked with the office register upon being returned. Tampering, destruction, or loss of registration records is extremely rare, and any danger on this score can be met through care in the handling of the records rather than maintaining another record at unnecessary expense. If it is deemed necessary to have in the election office at all times a list of the registered electors by precincts, it would be much more economical to prepare such a list from the precinct register before it is sent to the polls. In large cities the printed list

of voters would serve the purpose, and in other places a type-written list could be prepared.

The following table indicates the number and arrangement of registration records, as found in the large cities:

*Number, Arrangement, and Form of Registration Records in the Largest Cities of the United States<sup>a</sup>*

| City            | Number         | Sent to polls                    | Form       | Arrangement                                   |
|-----------------|----------------|----------------------------------|------------|---|
| New York....    | 4              | 2                                | Bound      | Alphabetical                                  |
| Boston .....    | <sup>b</sup>   |                                  |            |   |
| Philadelphia .. | 2              | 2                                | Bound      | Alphabetical                                  |
| Baltimore ..... | 2              | 2                                | Bound      | Alphabetical                                  |
| Cleveland ....  | 2              | 2                                | Bound      | In order of application with an index         |
| Detroit .....   | 1              | 1                                | Bound      | Alphabetical                                  |
| St. Louis ...   | 2              | 2                                | Bound      | Alphabetical                                  |
| Chicago .....   | 2 <sup>c</sup> | 2                                | Bound      | Alphabetical                                  |
| Milwaukee ..    | 1              | 1                                | Cards      | By streets <sup>d</sup>                       |
| Minneapolis ..  | 2              | 1                                | Cards      | Alphabetical                                  |
| Omaha .....     | 4              | 3                                | Loose-leaf | Alphabetical                                  |
| Denver .. ....  | <sup>e</sup>   |                                  |            |   |
| San Francisco.  | 2              | 1                                | Loose-leaf | Alphabetical by precincts and for entire city |
| Portland, Ore . | 1              | 2 typewritten lists <sup>e</sup> | Cards      | Alphabetical                                  |
| Seattle .. .... | 2              | 2                                | Bound      | Alphabetical                                  |

<sup>a</sup> Only one large city is listed for each state.

<sup>b</sup> Boston has an unusual system of records which is described in Chapter XII

<sup>c</sup> There is also a public register, which does not contain all the items of the other registers and is posted at the polls between the days of registration and election.

<sup>d</sup> In Denver there is one original register arranged in order as voters appear. Four alphabetical copies are made: one is posted, two are turned over to the two major political parties, and the fourth one is used at the polls.

<sup>e</sup> The registration cards are always kept in the main office.

The number of registration records used in rural sections is ordinarily less than the number provided for cities. It is not at all uncommon for only a single register to be required in rural precincts, though in some states two or more are provided.

**Information on the Registration Record.** There is a wide variation in the amount of information put on the registration record, ranging all the way from the name only in New Mexico and

New Hampshire to thirty-three separate items of information contained in the registers of New York City. It is generally agreed that both extremes should be avoided, that a list of names alone does not contain sufficient data for a registration record, and that in the largest cities much information is required which is of no possible use. The information required for registration should be designed to serve the following purposes: first, to ascertain whether the applicant is a qualified elector; second, to identify him at the polls; and third, to facilitate any investigation which may be made of his qualifications. It is not necessary, however, to record information concerning all of the qualifications for voting, for such matters as age and length of residence may be covered by an oath or affidavit. In the selection of items care should be taken to make them as specific as possible, and also to avoid overloading the registers with unnecessary details and with items which are objected to by the electors.

The registration records for rural sections usually contain only a few items; frequently only the name and address. In many rural states the registration officers prepare the lists without personal application by the electors, and obviously they would be unable to record more than the name and address. The records of large cities are much more elaborate as indicated in the table on following page.

In Milwaukee the following questions are contained on the registration record: "Are you twenty-one years of age? Have you lived in the state for one year? Have you lived in the precinct for ten days? Are you a citizen of the United States? Are you for any reason excluded from the right of the suffrage?" These items require a yes-or-no answer, and cover information sometimes inserted in the oath or affidavit. An affidavit is included in the registration records of Milwaukee, Minneapolis, San Francisco, and Portland. In most other places an oath is administered to the elector before the registration is taken.

The items enumerated above require detailed consideration. The name, to be sure, is the *sine qua non* of any registration record. It should be in full, including the first name, the middle

*Information Contained in the Registration Records of Selected Cities*

| Information                       | New York | Boston | Philadelphia | Baltimore | Cleveland | Detroit | Chicago | St. Louis | Milwaukee | Minneapolis | Omaha | Denver | San Francisco | Portland, Ore. | Seattle |
|-----------------------------------|----------|--------|--------------|-----------|-----------|---------|---------|-----------|-----------|-------------|-------|--------|---------------|----------------|---------|
| Name .....                        | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Residence .....                   | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Age .....                         | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Date of registration              | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Nativity .....                    | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Naturalization record .....       | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Occupation .....                  | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Term of residence                 | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Signature .....                   | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Party affiliation                 | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Registration number .....         | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Voting record                     | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Signature of registration officer | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Where last registered .....       | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Remarks .....                     | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Personal description .....        | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Number of room or floor .....     | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Conjugal state                    | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Sex .....                         | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Whether qualified                 | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Color .....                       | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Name and address of employer      | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |
| Number of ward and precinct       | x        | x      | x            | x         | x         | x       | x       | x         | x         | x           | x     | x      | x             | x              | x       |

## MISCELLANEOUS INFORMATION

Name of husband or father through whom naturalized. New York, San Francisco, and Minneapolis.

Name and birthplace of husband: Omaha and Portland.

When last registered: New York and Philadelphia.

Challenged: Chicago and Baltimore.

Sworn: Baltimore and Omaha.

History of appeals: Chicago and St. Louis.

Owner, tenant, lodger, etc.: Philadelphia, Denver.

Name of landlord: New York.

Hotel: Omaha.

If challenged, number of challenge affidavit: Philadelphia.

Citizenship lost and regained, dates: Minneapolis.

Residence April 1st: Boston.

Naturalization record produced, yes or no: Philadelphia.

Tax receipt produced, yes or no: Philadelphia.

Tax payer: Seattle.

Literacy: San Francisco.

Whether able to mark ballot without assistance: San Francisco.

name, and the surname. In large cities it is important to secure the middle name in full because of the large number of persons with identical first and last names and with the same middle initial. With all three names in full there are few duplicates.

The address or place of residence is also essential. In larger cities with a considerable number of apartments and hotels, the number of the floor, room, or apartment should be secured from persons living in a multiple family dwelling. This will facilitate any investigation which may be made of registered voters. In rural sections the postoffice address only is usually given, though in a few states the records include the specific location in terms of township, section, and range.\* In California the names of the adjoining streets on each side are secured, serving to prevent errors and to locate the address more definitely.

There is a great deal of objection to the frequent requirement that the elector state his exact age. This objection is not confined to women; many men are sensitive about their age, particularly elderly men who are afraid that it may affect their employment. Those who defend the requirement assert that it is necessary in order to ascertain whether the applicant is over twenty-one years old, and that the exact age serves to identify the voter at the polls. Clearly, there is no need to require the applicant to state his exact age in order to ascertain whether he is of voting age; he may be asked whether he is twenty-one years of age or over, or this may be included in the oath or affidavit. The exact age of the voter is of little use as a means of identifying him at the polls. Age is only a very rough means of identification, and in the great bulk of cases no attention is paid to it at the polls. Other means, particularly the signature, may be used more effectively to identify every elector. The requirement of the exact age undoubtedly serves to prevent many qualified electors from registering and voting. It is obviously of little value in a permanent registration record, since the age of the voter changes every year.

\* California and Oregon.

A number of states have recently removed the item of age from the registration records,<sup>9</sup> while other states have made the statement of age optional.<sup>10</sup> If it is desired to relieve the voter from embarrassment, it is not sufficient to provide that the statement shall be optional, for officious precinct officers in many instances will require the exact age, regardless of the law. It is necessary to take the item out of the registration records.

The date of the registration is always included. Where loose-leaf or card records are used, it is written out on each record; but where bound volumes are used, it is ordinarily recorded by ditto marks after the first entry for each day. In practically every state where the elector is required to appear in person to be registered he is required to state where he was born. This item is usually headed "Nativity," though "Birthplace" is sometimes used and is preferable. Usually the name of the country or the state in the United States is all that is required, though in Oregon the name of the city or town is also included. The purpose of requiring the voter to state his place of birth is to indicate whether he is native born. If so, the questions concerning naturalization are passed over, but if he is foreign born, this information is secured.

The naturalization record usually consists of the name of the court, the place and the date of naturalization. The name of the court cannot be given ordinarily unless the applicant has his "papers" with him. Many persons are naturalized through their father or husband, but ordinarily no provision is made to enter this fact or the name of the person through whom they were naturalized.<sup>11</sup>

The occupation of the registrant is required in only a few states. Occupation has nothing to do with qualification for

<sup>9</sup> California and Oregon, for example, while Ohio formerly used the heading, but has provided that "yes" or "no" shall be entered instead of the age of the elector.—Ohio Election Laws, Sec. 4906.

<sup>10</sup> New York permits the voter to state "over twenty-one" (Election Laws, Sec. 165), and in Maryland "a female applicant for registration as a voter shall not be required to state her exact age."—Acts of 1924, Ch. 229.

<sup>11</sup> There are a few states which require this information, including California. Oregon requires the applicant to state the place, date, and court at which the father or husband was naturalized.



voting, but it is worth while to include it on the registration record. If the registration records are used to select prospective precinct officers (which is done in some places) or to draw jury panels, this information is of great value. Even aside from this, the occupation of the registered voter is useful in any investigation which may be conducted. In a few places the name and address of the employer is also required. This information is hardly worth while in a permanent record, since employment is subject to change. This, of course, is also true of occupation, but to a much less extent.

The length of residence in the state, the city or county, and the precinct is usually contained in the registration record. The purpose is to ascertain whether the applicant has resided in each of the governmental units the required length of time. This could be secured as well by a statement of residence embodied in the oath or affidavit, as is the practice in California. The requirement of exact term of residence operates to force many registrants who have resided within the same state for their entire life to disclose their age. If it is desired to relieve the registrant from this, the item should be omitted or modified to permit the registrant to answer by stating "life," when such is the case. It is obviously of little value in a permanent registration record, and should be placed in the oath.

In every system of registration the signature of the registrant should be required. It is at once the most effective and the least objectionable way of identifying the voter at the polls, and also constitutes a positive record of the act of registration. It is essential if transfers are to be made upon the signed request of the elector. It is highly significant that the signature is not included in the records of some of the largest cities, including Chicago, Detroit, and Denver. In a few other cities, including Boston and Portland, the signature is required, but the registration lists sent to the polls do not include it. The signature is of little value unless it is available at the polls to be compared with the signature of the registered elector when he applies to vote."

"For a further discussion of the signature and its use at the polls to identify the voter, see Chapter IX

The principal objection raised to the requirement of the signature on the registration record is that it will be of no avail because of the large number of persons who are unable to sign their names. As a matter of fact, very few persons are unable to sign their own names. By actual count in several cities where the signature is required the number was found to be less than one-half of one per cent of the registered voters.<sup>13</sup> Those who cannot sign may be identified easily by a personal description, which should be included in the registration record for this class of electors only. This is at present the practice in New York and no difficulty is encountered in identifying the few who are unable to sign.

In about half of the states the registrant is required to state his party affiliation. This item is essential if the primary elections are closed. Many persons, of course, object to stating openly their party allegiance, and this requirement works a hardship upon them. In New York State the voters are permitted to record their party allegiance upon a secret ballot, which is opened after the fall election and the party affiliation entered by clerks in the election office. This would appear to be a needless expense, especially in view of the fact that lists of affiliated voters are printed and circularized, showing the party affiliation of every voter, and thus advertising the fact a great deal more than a statement before the precinct officer would do. If the registrant is required to state his party affiliation, he is usually permitted to decline, which serves to prevent him from voting in any primary, but not in the election. Provision is usually made also whereby the registrant may change his party affiliation, and have the new party affiliation recorded upon his record.

In a few places a registration number is given to each registrant. This is entirely a clerical matter. In California the loose-leaf registration blanks are serially numbered in order to check them out and in to field officers and to safeguard them from falling into the hands of persons who are not authorized to take registrations.

<sup>13</sup> See page 235.

The bound volume registers usually contain columns to indicate whether the elector has voted at each election. The primary purpose of this brief voting record is to check off the elector when he votes. It is rarely used for any other purpose. In most places with permanent registration no provision is made to maintain a permanent record of the voting history of the elector, though this is included in the records of Minnesota cities and of Boston. The voting record of every elector should be included. It is particularly of value in connection with the cancellation of registration for failure to vote within a two-year period. It is also of considerable value as an inducement to voting regularly and in investigations and prosecutions of election frauds, and it would afford valuable data for future studies of voting regularity. If the registration record is to contain the lifetime voting history of the individual, it is necessary to provide spaces for at least fifty elections, and preferably more. Large and unwieldy records should be avoided by devising some means to record the voting history on a small space. This probably can be accomplished best by recording merely the date of each election at which the elector votes. Fifty spaces large enough for a stamped date can be placed on one side of a card four by six inches in size. When all the spaces have been used a paster may be added without destroying the past voting history.

The signature of the officer taking the registration is necessary with loose-leaf or card records. The address from which the registrant was last registered is frequently required, but almost never used. This information might be used to cancel the previous registration, but in fact this is not done. The better practice is to secure an authorization to cancel the previous registration upon a separate record. This may be used by the local registration office or mailed to the office of another city."

"In California the registrant who has moved from another county is required to sign such an authorization to be forwarded to the proper officer of the county from which he has moved. (Election Laws, Sec. 1104.) The same provision was incorporated in the recent Wisconsin permanent registration law.—Session Acts, 1927, Ch. 208.

The remarks column is provided for any miscellaneous information not contained in any of the other items. It is hardly ever used and in a number of states is not provided at all. It is useful, however, for the history of any appeals or challenges, and, if provision is made to record a personal description of the registrant who is unable to sign his name, that information should be entered in this space.

The items of personal description which are entered in the registration of records include height, weight, color of eyes and hair, and any other distinguishing marks or features. Not all of these items are used in any existing record. Height is used most frequently. There is considerable objection to the item of weight, and in Ohio and Pennsylvania it is listed as "approximate" and "apparent" weight. These items do not identify the voter effectively since the election officers cannot take the time to weigh and measure every voter at the polls, and have no means of detecting suspicious cases. In actual practice they are rarely used, except upon a challenge, and then are of little value. The use of the signature is far more effective in identifying the elector. These various personal description items are not worth the ink required to record them.

The conjugal state of the registrant, whether single, married, widowed, or divorced, has no relation to voting qualifications and should not be included on the record. Particularly is this true of permanent registration, since the conjugal state of the elector does not remain the same. It is worth while to include the sex of the registrant, for it is not always apparent from the name. This may be secured by providing a column to enter "male" or "female," or by having both words printed, with one to be crossed through. A better method is to provide that "Miss" or "Mrs." shall be entered before the names of female registrants, for this includes the proper prefix for women electors, a matter frequently useful particularly to party or civic organizations for mailing purposes. In a permanent system, persons who change their names by marriage or otherwise should be required to register again.

In the records of several states a column or space is provided to indicate whether the applicant is qualified. This is unnecessary. If it is discovered that an applicant is not qualified, the better procedure is to write that fact across the face of the card or loose-leaf form, or to cross through the record on bound volumes, indicating the reason in the remarks column.

The color of the registrant is obtained in the South and in some states of the North. If precinct officers are selected from the registration list, it is important to know the color. There is, however, a considerable prejudice against placing this information upon the registration records, and all things considered, it is probably better to omit it except where there is a large colored population. Where it is used it should be indicated by a letter, "W" or "C," to be entered without inquiry of the registrant.

The number of the ward and precinct is always indicated upon the loose-leaf or card record. There are various other items which are sometimes included, but these may be dismissed as unnecessary and of little value.

The tendency has been to clog the registration records with much unnecessary and objectionable information. Half of the items recorded on the registers of the large cities are never used, and in some cities are not recorded. The following items cover all the information which is necessary, even for the largest cities: "

|  |                                      |
|--|--------------------------------------|
| Name in full, including Mr.,<br>Mrs., or Miss. | Party affiliation                    |
| Residence in detail                            | Signature (below affidavit)          |
| Birthplace                                     | Date of registration                 |
| Naturalization record                          | Signature of registration<br>officer |
| Occupation                                     | Voting record                        |

With this should be included an affidavit of registration in the following form:

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next succeeding election I shall be

" See model record in Chapter II.

at least twenty-one years of age, and shall have resided in the states — years, in the county (or city) — days, and in the precinct — days, and that I am qualified to vote.

In the blank spaces should be printed the state requirements as to residence. The registration records should be called "affidavits of registration," and these words printed conspicuously upon the form. This places a desirable emphasis upon the fact that the applicant is taking an oath as to his qualifications.

**Preservation of Cancelled Records.** It is very desirable to maintain a file of cancelled registrations or "cemetery" as it is sometimes called. The cancelled registrations constitute a history of all registered voters and, if preserved and systematically filed, are of value. Under permanent registration systems kept on loose-leaf or card records, when a registration is cancelled a proper entry should be made across the face of the record, indicating the date and reason for the cancellation and the initials or other designation of the person making the cancellation. The "cemetery" should be kept in alphabetical order for periods of, say, ten years. If the cancelled registrations are preserved in this manner it will always be possible to find out whether any particular person was registered, regardless of whether the address is known or not. In periodic registration systems with bound volumes it is also desirable to retain the old records, though they are of limited usefulness and are bulky.

**Certificate of Registration.** In a few states "the elector is given at the time of registration a certificate, which usually contains his name, address, voting precinct, and sometimes the location of the polling place. In some Southern states the elector is legally required to produce the certificate at the polls when called upon to do so. This device was probably placed in the laws to provide another way of deterring the Negro from voting. In Oregon and Michigan the certificate is issued merely for the

<sup>10</sup> The states include Oregon, Michigan, Alabama, and Tennessee. Various cities in other states issue certificates of registration.

convenience of the elector as a means of informing him the number of his precinct, and it cannot be required at the polls. Naturally these certificates are lost by some persons, but on the whole it seems that they are usually retained by the voter and carried on his person most of the time. They are a convenience and serve a useful purpose in several ways, but they also have their drawbacks. In Portland the largest business firms and department stores have been persuaded to help the "get-out-the-vote" campaign by seeing to it that their employees are registered. This is done by requiring every employee to show his certificate of registration. Individual electors have reported that the certificates served occasionally to identify them. On the other hand, it is said that sometimes persons have been permitted to vote upon the presentation of the registration certificate, even though their names were not on the precinct register.

It has been proposed that there should be issued to every registered elector a certificate, containing his name, signature, photograph, and perhaps also his finger prints. This is unnecessary for voting purposes, and would probably arouse a great deal of opposition. There can be little doubt, however, that something of this kind must be adopted eventually, but it should apply to all persons, and not merely to registered electors. The value of such a registration is apparent, and the difficulties in the way of administering it would not be great, but it is a subject beyond the scope of the present study."

"One of the most important factors in the crime problem is the ease with which any person may conceal his identity. The growth of large cities and the great improvement of transportation facilities have made it possible for the criminal to flee from the scene of his crime and escape detection and punishment as never before. European countries meet this problem by a police surveillance of the coming and going of the inhabitants, which doubtless would not be tolerated in this country at present. It would be entirely feasible and practicable, however, to establish a national registration of all persons, entirely separate and distinct from the registration of voters, which would make it difficult for any individual to conceal his identity. Such a system would be based upon a registration certificate for each person, with a photograph, signature, and perhaps finger prints, but would not involve a police surveillance.

**Printed Lists of Registered Voters.** A printed list of the registered electors of each precinct is provided in most large cities, though it is uncommon in smaller cities and almost never found in rural sections. The list is usually printed on one side of a large sheet of paper, and arranged by streets and numbers, though in some places it is printed in alphabetical order, and sometimes it is made up in the form of a small pamphlet. Usually fifty or a hundred copies are printed and distributed gratis to party organizations and citizens who call for them. In New York and California a nominal charge is made for the lists.<sup>18</sup>

The printed lists usually contain only the name and address of the registered electors, but in California the party affiliation is also included. This is not advisable. The lists are used primarily by party workers and sometimes by civic groups or individuals for canvassing, checking the voters at the polls, mailing purposes, and in investigations. The arrangement by streets and numbers is much better than alphabetical, especially because the list is frequently used in a house-to-house canvass. In some cities the law requires that a number of copies of the printed list be posted in every precinct, upon the theory that citizens will scrutinize the list and report any errors, omissions, or suspicious cases.<sup>19</sup> Reports of this kind are extremely rare, but this does not prove that posting the lists is of no value. If the printed list is arranged alphabetically, it is next to impossible for the casual observer to detect padding, but if it is arranged by streets and numbers, any person can tell at a glance who are registered at any address in the neighborhood, and where he knows the occupants, he can readily detect any case of padding.

Printed lists are not made in Detroit, Baltimore, Omaha, Denver, Salt Lake City, Portland (Oregon), and many smaller

<sup>18</sup> The charge in New York City is twenty-five cents per copy for the list of registered voters of an assembly district, and from \$1.50 to \$4 per copy for the list of enrolled voters of an assembly district. The charge in San Francisco and Los Angeles is fifty cents per thousand names.

<sup>19</sup> In Milwaukee the law requires the posting of twenty-five copies in every precinct, and the policemen find it difficult to comply with the law.



cities. In these cities the party organizations or others are required to secure copies of the lists of registered electors at their own expense, and it is common for them to send persons to the election office to copy off the lists. In Omaha the election commissioner makes a private arrangement with the party organizations to supply them with typewritten lists at cost.<sup>30</sup> Election officers are generally agreed that the printed lists are of little value to the public and are provided in the interest of the political parties. The cost of printing the lists of registered electors is substantial, ranging from three to ten cents per name.<sup>31</sup> If suitable visible records are used, photostatic copies of the lists of voters may be made at a nominal cost.

**Office Records.** The election office records of personnel, investigations, frauds, and complaints, as well as election and registration statistics, are very meager. Most offices make little or no attempt to maintain any sort of personnel records, either of office employees or of precinct officers. No office in the country has any systematic records of investigations and frauds, with the exception of the registration commission of Philadelphia, which conducted intensive investigations in 1925 and was forced to devise records on the spur of the moment. Accordingly, there is little that can be written concerning the existing office records. An attempt will be made, instead, to set forth what the writer regards as essential to a system of office records.

There should be personnel records of the office employees and precinct officers in all election offices, especially in large cities where personal acquaintance plays a small part. The personnel records of the permanent employees in a large election office should be as complete as those found in an office of similar size in private industry. They should include data concerning the original appointment, references, salary, promotions, and any other matters that are significant. Similar records should be used for temporary clerical employees, particularly to be used

<sup>30</sup> Personally communicated.

<sup>31</sup> See Chapter X.

to recruit the most satisfactory ones again when the need for extra help arises. The personnel record of the precinct officers should contain the full name and address, the name of the person or organization nominating the individual and the names of references, occupation, name and address of employer, date of appointment, and any data regarding the service of the officer, such as complaints, special commendations, hearings, recounts at which a substantial discrepancy was found, etc. A major problem of sound election administration is to secure competent and honest precinct officers and to weed out the unfit and the corrupt. This cannot be accomplished in any large city without a good system of personnel records. Persons who have been found incompetent or guilty of serious negligence, gross irregularities, or downright frauds should be blacklisted to prevent future appointment, and in many instances the precinct political worker recommending them should be blacklisted also. The election offices should make it their business to inspect, investigate, and appraise the work of the precinct officers and to use a simple system of personnel records to utilize these investigations.

The records of the registration office of a large city should also include detailed reports of all investigations of suspected frauds, irregular or incompetent conduct of registration and elections, complaints, and the prosecution of cases in the courts. At present there is almost a total lack of anything of the kind. A good set of records covering these as well as other matters would go far toward breaking up election crimes in the largest cities. Most investigations in connection with registration are of the residence of registered voters. When it is suspected that the registration lists are padded, investigators are sent out to check up on the precinct, going from house to house to make inquiry as to the residence of the registered voters. In such investigations, there should be systematic, uniform reports, including the name of the registrant, address, information secured, name of the informant and signature of the informant where such can be secured, date, and signature of investigators. It is

hardly necessary to point out that where no such reports are required the evidence of the case rests solely in the memory of the investigator, that the data on suspected frauds from various sources cannot be brought together, and that the evidence which can be presented in court is ineffective and incomplete. In the conduct of investigations and the preparation of records, serious attention must be given to the requirements of legal evidence.

There is no election office in the country which has evolved a satisfactory system of records to cover cases of election offenses. Many election offices have a passive attitude in regard to election crimes, maintaining that election frauds are not their business, but that of the prosecuting attorney. This explains to some extent the absence of records on election frauds in most large cities, but even in cities where the election office takes its work more seriously, there is a similar lack of records. The burden of building up the evidence is left to the prosecuting attorney, who has to rely exclusively upon such evidence as he can produce, usually some time after the *casus delicti* has occurred. As soon as possible after suspicion of fraud in any precinct has arisen, the election office should investigate actively and vigorously, to build up a case history that may later be turned over to the prosecuting attorney. This would go far toward the elimination of election frauds. It is true that many cities, being practically free of election crimes, have no occasion for case records.

Finally, the election office should maintain complete and systematic statistics of registrations and elections, not merely for publication in the annual report, but also, in more intensive and detailed form, for use in detecting suspicious cases. The statistics should be arranged by precincts and wards as well as for the entire city, and, in sections of the city where fraud is liable to be attempted, statistics should be compiled for blocks, or even for single addresses, such as lodging houses, hotels, etc. The statistics for any one registration or election are meaningless when taken alone, but if proper comparison is made with the previous history, padded registration and voting frauds may

be detected readily. The up-to-date health office detects an epidemic almost at its start and takes the proper measures to curb it or stamp it out. There is no reason why an election office could not function similarly. A study of the percentage of registered voters voting at a single election, for example, will show whether there are precincts which should be suspected of repeating and ballot-box stuffing. Where there are several hundred voters in the precinct and every voter is recorded as voting, it is positive evidence that voting frauds have been perpetrated. A graph showing the percentage of registrants voting for each precinct in the city is extremely informing. Similar graphs might be prepared for the increase or decrease of registration over previous years, with special studies of suspicious quarters. Other statistical studies of registration and voting, if made systematically and accurately by competent clerks and transferred to charts, maps, and diagrams, would show conclusively where election frauds were being conducted and make it possible for the election office to stamp them out."

**Summary.** The essentials of a sound system of registration records as outlined in this chapter are as follows:

1. Individual card or loose-leaf records for each voter, with a visible index line.
2. Duplicate records, the original filed by precincts and the duplicate without reference to precincts.
3. The original records filed in order by streets and numbers for each precinct, and the duplicate in exact alphabetical order for the entire city or county.
4. Useless and objectionable items should be eliminated from the records, and an affidavit should be used to cover such matters as age, citizenship, and length of residence.
5. The record should contain a voting history of the elector.
6. Cancelled records should be permanently preserved.

"In San Francisco the Registrar of Voters, Mr. J. H. Zemansky, knows the entire city remarkably well and has been able by a personal scrutiny of registration and elections to detect any suspicious cases without a statistical technique.

7. A printed list of registered electors is expensive and should be used only in the largest cities where there is a considerable demand for them. Typewritten lists might be used in most places at much less expense.
8. Every election and registration office should maintain personnel records of the office force and precinct officers.
9. Systematic and thorough records of investigations and election fraud cases should be maintained.
10. Complete registration and election statistics should be maintained for various purposes, but particularly to detect election and registration frauds.

## CHAPTER VIII

### THE PROCEDURE OF REGISTRATION

The procedure of registration varies widely from state to state, and no attempt is made in this chapter to set forth the many variations, or to describe in turn the procedure under the principal types of registration. To do so would result in a bewildering mass of details, which it is sought to avoid.

**Precinct Versus Central Registration.** A major problem of registration administration is whether it shall be conducted in each precinct or only at the central office, with branch offices outside when necessary. This problem involves much more than merely the physical location of the registration sessions. If registration is conducted at the central office and outside branch offices, any voter may register before any registration office without regard to the precinct in which he lives, while with precinct registration he can register only in his own precinct. Central registration may be conducted throughout the entire year, but precinct registration, because of the large expense of the army of precinct officers, is necessarily confined to a few days. Registration at the central office is conducted by a relatively small number of employees, who can be selected personally by the election board or the chief clerk, while the number of precinct officers required is very great, and in most places the actual selection is delegated to the party organizations.<sup>1</sup> Office employees may be thoroughly instructed in their duties and closely supervised, while precinct officers cannot be instructed effectively nor actively supervised. From the standpoint of clerical output, undoubtedly central registration is better than precinct registration.

<sup>1</sup> It should not be inferred that political party organizations do not dictate the selection of office employees as well, but there is no reason why such employees cannot be employed by the chief election officers personally.

The cost of central registration is much less than precinct registration. The latter usually costs from twenty-five to seventy-five cents per person at the start of a new general registration, and is much higher (as high as ten dollars per registration) prior to intermediate elections thereafter, at which only a few voters need to register.<sup>2</sup> In Detroit it has been estimated that the cost per registrant of precinct registration is thirty-one cents and that of central registration, twelve cents.<sup>3</sup> In California a fee of from eight to ten cents is paid to deputy registrars who take registrations at the home of the elector, and the cost of those who are registered at the central and branch offices is thought to be considerably less.

Precinct registration is the more common method, though central registration is used in the following large cities:

|             |                  |               |
|-------------|------------------|---------------|
| Boston      | St. Paul         | San Francisco |
| Providence  | Omaha            | Los Angeles   |
| Milwaukee   | Topeka           |               |
| Minneapolis | Portland, Oregon |               |

Detroit, Denver, and Seattle use a combination of central and precinct registration, while Hartford and New Haven have registration systems which do not fall definitely either into precinct or central classification.

The principal arguments advanced in favor of precinct registration are: first, it takes the registration to the neighborhood of the elector; and second, it is usually conducted by persons who are supposed to be personally acquainted with the residents of the precinct. If electors were required to make a trip to the city hall or some other central office, it is said that many of them would never register, and that it is hard enough to get them out when the registration is conducted in their own precinct. As a rule, central registration is used only in permanent systems. It is not unreasonable to require the elector to make a trip to the central office to register if he is registered there-

<sup>2</sup> For a fuller account of the cost of precinct registration, see Chapter X.

<sup>3</sup> Personally communicated.

after for life, or for as long as he continues to reside in the city. In smaller cities it is frequently more convenient for the elector to go to the city hall than it is to find the place for registration in the precinct, and in larger cities it is almost the universal rule for branch offices to be opened up in various parts of the city during the rush period. The statistics of registration in Milwaukee, Portland, San Francisco, and Los Angeles show quite conclusively that central registration does not operate to lower the percentage of eligible voters who register, but rather tends to increase it.<sup>4</sup>

It is often urged against central registration that the clerk in the main office cannot have any knowledge of the qualifications of persons who apply for registration, and therefore is not in a position to pass upon their applications, while precinct officers are acquainted with the residents of their own precinct and can detect any attempt at fraudulent registration. This contention is honestly and vigorously made by persons with practical experience in election administration. The actual experience of both systems does not bear out this assertion. The large cities with central registration have little or no attempts at fraudulent registration, while many cities with precinct registration suffer from serious frauds. An analysis of the process of registration will show that the contention is essentially unsound. The act of receiving an application for registration and making out the records is a purely clerical operation. It is not at all necessary for the registration clerk to pass upon the truthfulness of the statements of the applicant. The essential purpose of registration is not to judge the qualifications of applicants, but to prepare prior to the election a list of persons who claim the right to vote, and thus make it possible for an investigation to be made. In some cities an official investigation of the residence of registered electors is made by public officers; everywhere some sort of an inspection or investigation is made by party organizations. Registration lists make it possible for private persons or civic organizations to make investi-

<sup>4</sup>See page 106



gations where fraud is suspected. Nowhere is registration conclusive of the right to vote; a registered person may always be challenged at the polls. Challenges are practically never made while registration is being conducted, but are made at the polls. The registrant may be challenged by the precinct officers when he applies to vote, if they have reason to doubt his qualifications.

The essential assumption of the argument in favor of precinct registration is that the precinct officers are personally acquainted with the residents of the precinct. It is well known that this assumption is far from true in any large or even medium sized city. In large cities the precinct officers know only a negligible number of the residents of the precinct, and the appearance of a total stranger arouses no suspicion. Not only is this true, but the argument loses sight of another fundamental fact. Election frauds in the large cities usually occur with the tacit consent of or active participation by corrupt precinct officers in the worst sections of the city. The surest way to bring about gross registration and election frauds is to place all the work and control in the hands of the precinct officers. Cities which have broken up election frauds have resorted to the practice of bringing in outsiders to sit on the precinct boards in the worst sections.<sup>3</sup> The conduct of registration by precinct boards is not a safeguard but rather a positive danger.

Central registration is especially suited to systems of permanent registration. After the original registration has been conducted under a permanent system, the number of persons who need to register prior to succeeding elections is small, and to conduct registration in every precinct would be a waste of money. On the other hand, practically every state with periodic registration uses precinct registration. It is generally believed that it would be unwise at the start of a new registration to attempt to register all of the electors at the central office. The amount of clerical work is so great and the inconvenience of coming to the central office for so many voters would be so

<sup>3</sup> Particularly Detroit, Omaha, and St. Louis.

substantial that it is usually deemed advisable to have precinct sessions. Most states use precinct sessions exclusively, conducting no registration at all at the central office. Detroit has a new registration every four years, at which time the registration is conducted in the precincts as well as at the central office. Thereafter it is conducted at the central office only. Substantial savings have been made by doing away with the precinct sessions prior to intermediate elections, at which time usually only a relatively small number of persons register.

San Francisco and other California cities have abandoned precinct registration even for the start of the biennial general registration. Instead of having precinct sessions, field registration officers canvass the entire city and register electors at their homes. A fee of from eight to ten cents per registration is paid. The field deputies make it a point to work in the evening, when many voters may be found at home, and if a person is missed, the deputy usually arranges to come back to take the registration at another time. After the house-to-house campaign has been finished, a drive is made to register those who were missed, by opening registration offices at various places in the downtown district. Deputies are also sent to public meetings, factories, and clubs. A number of persons inadvertently register twice, but the duplicates are thrown out, for they are readily detected. The cost of this system of registration is small compared with precinct sessions, and is probably less than that of taking registrations at a central office. It also results in a maximum registration. This is readily demonstrable by a comparison of the percentage of eligible voters registered in four counties which used this system with that of one county which did not. The statistics are taken for 1920, the census year. No attempt is made to correct them for the number of persons who had not satisfied the residence requirements of the state, though undoubtedly the percentage of persons of this class in San Francisco and Los Angeles was larger than in the other counties. This accounts for a lower registration in these two counties.

## REGISTRATION OF VOTERS

The two counties in the first group which are similar to San Joaquin county, Contra Costa and Alameda, have 17 per cent higher registration. This shows clearly the effect of field registration.

*Number and Percentage of Eligible Voters Registered*

## Counties Using Field Registration

| County                  | Eligible voters | Registered voters | Percentage |
|-------------------------|-----------------|-------------------|------------|
| Los Angeles . . . . .   | 568,671         | 386,366           | 68         |
| San Francisco . . . . . | 292,879         | 209,469           | 71         |
| Alameda . . . . .       | 195,775         | 158,678           | 81         |
| Contra Costa . . . . .  | 25,199          | 20,247            | 81         |

## County Not Using Field Registration

|                       |        |        |    |
|-----------------------|--------|--------|----|
| San Joaquin . . . . . | 41,032 | 25,432 | 64 |
|-----------------------|--------|--------|----|

The place and method of conducting the original registration under a new permanent system presents a unique problem. At this time a campaign should be staged to get every eligible voter registered. It is frequently urged that the first registration should be started off by holding precinct sessions, as under most periodic systems. Where precinct sessions have been held at the start of a permanent registration, however, the result has not been satisfactory. In Minneapolis many of the records were poorly made, and the cost was much higher than that of registrations taken at the central office.<sup>6</sup> Several Wisconsin cities recently tried precinct sessions at the start of the new permanent registration with similar results.<sup>7</sup> Permanent records require careful preparation, which seldom can be secured from the regular precinct officers. Many people neglect to register, even if registration is taken to their own precinct. A house-to-house registration, such as is used in California, is unquestionably the best method to get the maximum number of persons registered. It is also probably the most economical method. The only objection which may be raised is that it might lead to padded registration in some of our large cities. Election officers

<sup>6</sup> Personally communicated.

<sup>7</sup> In one city the cost per registration ranged from forty to sixty cents.

in the large Eastern cities are practically unanimous in saying that this method would never do, but it has not resulted in frauds in California. If the field officers were selected by the precinct politicians and subject to their orders, doubtless frauds would occur, but if they are independent of political control, there is little danger even in the largest cities.

After the original registration under a permanent system has been conducted, prior to each following election some provision must be made to register the newly qualified voters. In cities of less than a hundred thousand population this may be done at the central office without an undue hardship upon the voters. In larger cities it is advisable to open branch offices during the last week of registration before all important elections. These may be established in stores, banks, and other accessible places in the downtown district. Neighborhood or ward sessions during the evenings are also advisable. In many cities with central registration the authorities are unduly reluctant to open branch offices, and often insist vigorously that it is no hardship upon any elector to come to the city hall or county courthouse to register. They maintain that there is some danger encountered in taking registration outside of the main office. Registration sessions are conducted in Boston in every ward of the city, and other Massachusetts cities follow the practice of having evening sessions in various sections, but Detroit, Milwaukee, Denver, Omaha, and Portland (Oregon) have few or no sessions outside of the main office. Precinct registration goes to one extreme; registration only at the main office in large cities goes to the other extreme.

In rural sections it is necessary, under any system, to provide some means whereby the elector may register without having to make a trip to the county seat. It is possible, of course, to provide precinct sessions, but this is needlessly expensive. In Oregon and California the county clerk has the power to appoint deputy registration officers for rural sections. In some counties a deputy is appointed for each precinct, but in other counties the deputies are appointed for each community, and

one deputy may register voters from two or more precincts. Usually the postmaster or some other accessible person is appointed. The deputy, who receives a fee for each registration, conducts registrations at any time prior to the closing date, instead of holding formal sessions. The work of the rural deputy in these states is merely to receive applications, make out the record, and forward it to the county clerk.

**Precinct Registration Places.** The polling place is ordinarily used for the conduct of registration in the precinct. It is customary to use public buildings in as many precincts as possible. School buildings, libraries, and fire and police stations are commonly used. It is seldom that all of the polling places can be located in such buildings, and the general practice is to rent shops, or, if nothing else is available, private residences or private garages for other precincts. In some cities portable houses are used where neither public buildings nor other suitable quarters may be secured, while in a few Eastern cities portable houses are used almost exclusively.\*

The principal considerations in procuring registration places include: light, ventilation, heat, respectability, convenience to the electors of the precinct, space, freedom from interference, and cost. Ordinarily, however, a fixed price is set for shops or other rented places so that the cost is uniform.

Public buildings, especially school buildings, are the most satisfactory and also the least expensive. The school authorities in some cities object, since the schools are already overcrowded. In some cities the janitors of the school buildings are paid extra for their services, and this may nearly equal the rental cost of private shops. As a general rule, however, school buildings are more desirable from every point of view and greatly reduce the cost. They should be used wherever possible, and may be used not only for the precinct in which they are located, but also for adjoining precincts. A single room of considerable

\* Rochester and Cleveland. Considerable use is made of portable houses in Detroit, Columbus, and Cincinnati, and a few are used in New York City and Baltimore.

size may be used for several precincts. Usually public buildings may be used only for the precinct in which they are located, but New York permits the use of public buildings for contiguous precincts as well as the precinct in which it is located.\*

Stores and shops of various kinds, especially tailoring and cleaning establishments, are used to a large extent. Shops are satisfactory if there is plenty of space, light, heat, and ventilation, and the interference of customers is avoided. In some large Eastern cities much trouble is encountered in finding shops of sufficient size, for within recent years the rapidly increasing cost of rental has caused shops to be subdivided. Formerly there was a considerable amount of political pull and graft in connection with the renting of private shops for election purposes, but this has practically disappeared. Usually, however, the precinct captains pick the polling places. In some cities the custom has grown up to grant this perquisite to one party in even numbered precincts and to the other party in the odd numbered precincts. It is only where the party organizations are weak that the election office itself makes the actual selections.

In most cities there is some sentiment against the use of churches, though, aside from this prejudice, they are very suitable, and could be secured in many precincts. Private dwellings and private garages are never satisfactory, and should be used only as a last resort. There is a conflict of testimony on the advisability of portable houses. Election officers in cities which use only a limited number of them say that they are far from satisfactory, while the officers in cities where they are used to a large extent say they are quite satisfactory. It is difficult to make an accurate estimate of the cost of portable houses, but if account is taken of the original cost, upkeep, depreciation, storage, hauling, lighting, heating, etc., it is probably larger than that of rented shops. Objections are raised by the residents of the neighborhood where they are used, for they are unsightly, and frequently occupy a part of the street for months between elections.

\* State Election Laws, Sec. 66. In other states precinct lines are sometimes arranged so that several precincts corner into a school building.

If the election or registration is held on a cold or windy day it is difficult to provide heat.

**Time of Registration.** Where registration is conducted at a central office, it is usually open throughout the year, except for a short time prior to each election. The number of persons registering throughout the year when an election is not in the offing is small. The bulk of registrations comes within the last two weeks prior to the closing of the books for a particular election. It is not of great importance that registration be conducted throughout the entire year, but it does matter whether registration is conducted for a few days only or for a month or more. Central registration offers a decided convenience to the elector in that he may register on any day until the close of registration, while with precinct registration there can be only a few days for registration—days which may pass unnoticed.

Precinct registration is necessarily confined to a few specified days. There is such a wide variation in the particular days used that it is futile to attempt any generalizations. The number of days varies from one to seven, with two or three days the more common. In New York City there is a week of registration every year, with evening sessions the first five days and an all-day and evening session on Saturday, the last day of registration. In other places the registration days are separated, coming in different weeks, and frequently on different days of the week, selected without rhyme or reason.<sup>30</sup> Ordinarily, more days are provided for a new general registration than an intermediate registration.

The hours for registration vary from state to state, the most common practice being continuous sessions throughout the day, usually from about six or seven o'clock in the morning until about the same hour in the afternoon. In a number of states the session is broken by an intermission of several hours in the

<sup>30</sup> Philadelphia, for example, has registration in even numbered years on the ninth Thursday, the seventh Tuesday, and the fifth Saturday; and in odd numbered years on the tenth Tuesday, ninth Tuesday, and the ninth Saturday preceding the election.—Personal Registration Act, Sec 9

middle of the day. The practice in New York City of holding evening sessions from five to ten-thirty o'clock during the first five days of registration, with a last day of registration throughout the entire day, is to be commended. The late afternoon and evening hours are more convenient for most electors than the hours during the day, and the full day session on the last day takes care of electors who cannot register during the evening hours. Registration boards usually have little to do during most of the day. Evening sessions also facilitate the use of employed persons as precinct officers.

The amount of time between the last day of registration and the day of election also varies greatly. From two to four weeks is the usual length of time; but in some Southern states the period is six months or more, apparently designed to discourage voting; while in Idaho registration is conducted until the Saturday preceding the election.

Registration should be kept open until as near the day of election as practicable, leaving time, however, for the election office to get the records into shape for the day of election, and in some places to put out printed lists of voters. Time should be provided also for investigation to be made before the day of election. If registration is closed a month or more before the day of the election, it serves to disfranchise persons whose interest in the election is not aroused until late in the campaign; on the other hand, there is little point in closing the registration only a few days before the election. Many persons will put off registration until the last day, whether it be three days or thirty days before the election. In the larger cities registration should close about three weeks prior to the election. This would give those who change their residence on October first time to register. In smaller cities two weeks is usually ample time for the election office to get ready for the election.

**Advertisement of Registration.** A great deal of money is wasted upon futile advertising. Central registration requires no paid advertisement. Newspapers will call attention to registration as



a matter of news and service to their readers. This is much more effective than paid advertisement in the legal columns. Outside registration in the downtown section also requires little if any paid advertisement. If registration booths in the downtown section are located conspicuously, with particular attention to reaching every class, paid advertisement is unnecessary.

Where registration is taken to various sections of the city for brief sessions, frequently for an evening only, the problem of advertising the time and place of these meetings is not so simple. Some election officers insist that outside registration in this manner is not feasible because of the problem of notifying the voter. In some cities in Massachusetts the list of places for outside registration is given out to the newspapers to be handled as news, and notices containing the same information are posted. The election officers state that no difficulty is encountered in informing the voter, but it is a fact that relatively few persons register in the ward sessions. This problem might be solved by arranging for outside registration on the same day at every branch post office in the city, or at every fire department station or public school.

With precinct sessions the problem of notifying the elector of the time and place of registration is in some ways simplified and in other ways made more complicated. Usually the new resident can readily learn from old residents the location of the polling place. Advertisements accordingly should emphasize the time rather than the place. It is quite common for the election office to advertise a list of the precincts with the registration place for each—a procedure which is not especially useful, for the new elector may not have any notion of the number of the precinct in which he lives. Formerly many advertisements carried a long description of the boundary of each precinct. This was a pure waste of money, since no elector would bother to pore through the list to find his own precinct.

Posters are frequently as ineffective and useless as advertisements in the legal sections of the newspapers. Often times they are unduly long, burying the essential information in a mass of

legal terminology. The most effective poster is one which contains a map, showing the precinct lines within the ward or the particular neighborhood, with a list of the registration places for the various precincts. Posters of this kind should be placed in shop windows and at other attractive places rather than on poles where they will rarely be noticed. It is also useful to place posters at the registration place for a week or so prior to the days of registration.

**Application for Registration.** The registration process begins with the application of the elector to be registered. This application may be made in various ways. Personal application by the elector himself is the most common form. Written application without the personal appearance of the elector is provided in a few states, while other states merely provide that the registration officers shall prepare a register of qualified electors, thus doing away with the requirement of an application by the elector himself.

As a member of the election commission of a large mid-western city, while passing upon challenged registration cases, put it: "The best evidence of the qualifications of a voter is the voter himself." If the elector is required to apply in person, there is a rather good guaranty that such a person exists and is qualified to vote. Unfortunately, there is not always an assurance or even a good presumption of this where the elector is not required to make a personal application. Furthermore, the information necessary for a sound registration record cannot be secured except from the elector himself. This is particularly true of the signature, which should be included in all registration records.

It has been thought that the requirement of personal application would be unduly burdensome upon the rural voter. Accordingly, in many states the precinct officers prepare the registry lists without personal application by the electors. This system is usually provided for rural sections and smaller cities, though occasionally for larger cities as well. Theoretically, it is ideally adapted to meet the needs of rural communities, where the regis-

tration officers are supposed to know personally every elector in the precinct. Usually there is a revision session, at which any elector may inspect the registry list and have his name added.

In actual practice the system has not worked well, even for rural precincts. The registration officers are usually paid only a small compensation, and are always anxious to perform their duties in the easiest way possible. They ordinarily copy the list of registered electors of the preceding year, and let it go at that. They neglect to check the list and take off the names of persons who are known to have died or moved away, and thus carry along a considerable amount of dead weight. They frequently neglect to add to the list the names of newly qualified electors. The system is about as inconvenient to the new elector as other systems which require personal application, for to be sure that he is registered he must scrutinize the list and, if he has been omitted, apply in person at the revision session. In larger towns and cities it always results in the disfranchisement of an appreciable number of persons who assumed that they would be registered without attending to it personally. This type of registration has been used to cover up fraudulent voting instead of preventing it. The precinct politicians often hand in lists of supposedly qualified persons to have these names entered upon the registers, a practice which causes gross election frauds. In other places the inflated lists, caused by the neglect of the precinct officers, have made impersonation easy.<sup>11</sup>

Colorado has an interesting variation in the requirement of application by the elector, and one which in actual operation works quite satisfactorily. In all cities of the state of two thousand population or over, including Denver, any registered elector may register for the other members of his household and for as many as three other persons residing at the same address.<sup>12</sup> The elector who registers for someone else is required to take oath as to his qualifications and to sign the register. A fundamental defect of the system is that the signature of the elector

<sup>11</sup> See Chapter I

<sup>12</sup> Election Laws, Secs 7613 and 7642

registered by proxy is not secured; but otherwise the system works very well and has not led to fraudulent registration. In a few states written application for registration is required. In Alabama and Virginia the written application is used as a part of the machinery to disfranchise the Negro.<sup>13</sup>

Formerly in Indiana an elector could register before any notary. This practice led to abuses, for party workers were made notaries especially for the occasion and were thus really registration officers, but without any responsibility. The whole registration law of Indiana was abolished in 1927.<sup>14</sup>

In Detroit the elector who applies for registration at the central office is required to fill in an application form, setting forth the various items of information required, but this is done merely to facilitate the clerical work of taking registrations, and does not do away with the requirement of personal application. Written applications are not used in the precinct registration sessions.<sup>15</sup> The Detroit experience indicates that the process of conducting registration may be speeded up and clerical errors avoided by requiring each applicant to file a written application. A few persons have to be handled orally because they are unable to prepare a written application.

In Connecticut a written application "to be made" must be turned in to the town selectmen before they will administer the oath to the new elector, but the application does not have to come from the elector himself. Any elector may turn in applications for any number of persons. The registration officers of New Haven, who make a house-to-house canvass to check up on the residence of registered electors, turn in an application for every new elector whom they find, without being requested to do so. Politicians and others also turn in applications for new electors in whom they are interested. The new elector is required to appear in person before the Board of selectmen to complete the registration. In the larger cities of the state this is the sole remaining function of the selectmen. This procedure goes back

<sup>13</sup> See page 203.

<sup>14</sup> Session Acts, Ch 195

<sup>15</sup> Personally communicated

to the days when the privilege of the suffrage was more highly prized than it is at present, and is unduly formal and inconvenient.

Personal application before an authorized, responsible registration officer is essential to a sound registration system. The data necessary for adequate records, particularly the signature, require the presence of the elector. Other forms of application are unsatisfactory and frequently lead to frauds. In rural communities where the signature is not essential as a means of identifying the electors at the polls, it is feasible to permit any registered voter to register for another member of the same household, as in Colorado, but where this is done the voter should take oath as to the qualifications of the person registered, and should be required to sign the register. If registration is permanent, however, personal application does not work a hardship upon the elector, even in rural sections. With the prevalence of good roads and automobiles, the old argument that the requirement of personal application would work an undue hardship upon the rural voters who would have to travel long distances to register, has lost force.

**The Conduct of Registration.** The act of registering voters is a simple operation, largely clerical in nature. The oath must be administered, the name, address, and other information secured. If registration is conducted at the central office it is customary for the office employees or clerks to handle applicants singly. Ordinarily the loose-leaf or card record is made out in the presence of the registrant, which he signs when completed. One person in the central office handles the work of taking applications as well or better than a whole board in the precinct. If any problem arises concerning the qualifications of the applicant, the matter is taken to a superior officer for a decision. When the rush of registration takes place the chief clerk or other person in charge sees to it that everything goes along smoothly, and keeps on the outlook for suspicious cases.

While ordinarily the best procedure for handling registrants at the central or branch office with loose-leaf or card records

is for each clerk to take registrations singly, no doubt the work might be done even more rapidly by teams during the rush period. If the registrant were required to make out an application form, giving all the required information and signing his name, this could be checked by a clerk and turned over to a typist to copy, and later the signature secured and oath administered by the same or another clerk. It would be very desirable for permanent records to be typewritten. One experienced clerk with typists to prepare the records could handle a very large number of applicants. The use of the written application by the registrant would serve to speed up the process and to avoid mistakes, though there are a few persons who would have to be handled orally.

When the precinct board meets in session to conduct registration it ordinarily divides the work between the members as it sees fit. In a few states the law provides that a chairman shall be placed in charge, but this is exceptional. In New York City the precinct inspectors are required to choose a chairman, or, failing to make a selection, to draw lots for the position," but the chairman is only one among equals, having no additional powers because of the position.

The procedure followed in the conduct of registration in precinct sessions is quite different from that followed in the central office. Where personal application is not required, the precinct officers simply copy the previous register and make the number of copies required by state law. If it is noted that some person on the previous list has died or moved away, his name is not copied; and occasionally the names of new electors or persons who have recently moved into the precinct are added to the list, without the personal appearance of the electors. When the old list has been copied with these few changes, there is nothing further for the precinct officers to do, except to be on hand to receive any stray applications for registration. It is not uncommon for most of the officers to depart to attend to their own affairs, leaving behind a single officer to hold the fort. Some-

" Election Laws, Sec. 160.

times, however, the job of copying the preceding registration list requires most of the day, and the officers remain in session to finish the work. When an unregistered voter applies in person for registration, he is required to give his name and address and occasionally to answer a few questions regarding his qualifications, but there is no set procedure prescribed and ordinarily no oath is administered to him. The precinct officers may put names on the registration books at the request of individuals, and it is not an uncommon practice for the precinct political workers to hand in a list of new voters to be included.

Where personal application is required the first step ordinarily is to take the applicant's name and address, which are usually announced to the other officers in charge of the registers. The next step is to administer the required oath. The form of the oath varies from state to state, but usually includes a statement that the applicant will truthfully answer such questions as are put to him concerning his qualifications to register and vote, while a few states also include allegiance to the constitution of the United States and of the state.<sup>11</sup> In a few states the oath includes the essential qualifications for voting: age, citizenship and residence, and does not include a statement of truthfulness. In Idaho and Utah a great deal is made of the oath, which is printed on separate slips and signed by the elector and witnessed; while in Connecticut the new electors must be "made" by taking oath before the town selectmen. In Ohio, however, no oath is administered except upon a challenge, and in a number of other states it is slurred over. The elector of New York and of New Jersey does not take oath but signs his name over the following words, "The foregoing statements are true."

The information required for registration is almost everywhere secured by questioning the applicant. The particular wording of the questions is ordinarily left to the registration officers, but in a few states set questions are prescribed by law, and the registration officers are supplied with printed copies to

<sup>11</sup> This was formerly the case in Detroit, and still exists in St. Joseph, and in a few other places

be followed in interrogating the applicants.<sup>18</sup> The questions are ordinarily asked by one officer, who may or may not have charge of one of the registers.

In three Southern states<sup>19</sup> the applicant is required to make out a written application for registration. This device is used to discourage applications by Negroes. In Virginia the state constitution requires the elector to make an application "in his own handwriting, *without aid, suggestion, or memorandum*, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and if so, the state, county and precinct in which he voted last."<sup>20</sup> Colored applicants are handed a blank piece of paper to write out an application, while white applicants are given a blank form containing headings for the required information. In Alabama the colored applicant is given a form containing the oath and a blank space in which the applicant is told to "write what you know about the Constitution of the United States and the Constitution of the State of Alabama,"<sup>21</sup> while the white applicant is given a form containing specific items of name, address, age, etc.

In Massachusetts, New York, Oregon, California, and several Southern states, ability to read and write is a qualification for voting. The literacy tests in the Southern states have been devised to disfranchise the Negro, and for that reason do not require comment here. In Massachusetts the literacy test is administered by the officers who conduct registration, and the procedure is to require the applicant to withdraw a card from a box and read the part of the state constitution printed thereon. No provision is made in California for formally testing the ability of the applicant to read, but he is required to sign a statement that he can read and write, or that he is qualified by reason of other provisions in the law. In New York State

<sup>18</sup> This is found in St. Louis and Kansas City, for example.

<sup>19</sup> Alabama, Louisiana, and Virginia.

<sup>20</sup> Sec. 19.

<sup>21</sup> Personally communicated.



the literacy test is administered by the school authorities. An applicant who for the first time presents himself for registration, and who was not qualified to vote in 1922 when the literacy requirement went into effect, is required to take an examination of his literacy before the school authorities or to present a diploma from the eighth grade or a higher school. This is obviously a cumbersome arrangement. If the precinct election officers are not able to test whether an applicant can read or write, they should be removed and officers secured who can. The New York procedure was designed to provide a contact between the illiterate person and the schools. It was thought that in some way this would stimulate the citizen to take courses in the public schools. It was felt also that the precinct inspectors would be lax in the administration of the test and illiterates would be permitted to register. It is hardly necessary to point out that under the present system persons who are unable to read may assert that they have been registered previously and thereby avoid taking the test. The test of literacy is so simple that it seems absurd to require the elector to go before the school authorities and go through the red tape of securing a certificate of literacy. This involves a real hardship upon the elector, since the schools are not always open to conduct the literacy examinations during the hours of registration.<sup>22</sup>

The naturalization data usually include the date and place of naturalization and sometimes the name of the court. This is ordinarily secured by questioning the applicant, but in some states the naturalized citizen is required to produce his naturalization papers, or a certified copy.<sup>23</sup> This requirement is wise, for there is undoubtedly a great deal of falsification about naturalization. The naturalization record is important, and it is not unreasonable to require the naturalized citizen to retain it and to present it when he registers. Of course, the require-

<sup>22</sup> For a defense of the present system, see an editorial in the *New York Times*, February 8, 1927. See also W. B. Munro, *Intelligence tests for voters*, *Forum*, December, 1928, pp. 823-30.

<sup>23</sup> This is true of Massachusetts, Oregon, and Ohio, as well as in the following cities: Omaha, St. Louis, Kansas City, and Topeka.

ment is sometimes troublesome to persons who are naturalized through someone else, but a certified copy of the record may be secured in practically every case.

If a new registration is conducted every year, or every two or four years, it does inconvenience the elector to produce his naturalization record every time he registers. The election office of San Francisco maintains a record of naturalized citizens who have presented their papers, and a printed copy is placed in the hands of every registration deputy. A naturalized citizen who has registered previously in the county is not required to produce his papers a second time. In Cleveland and other Ohio cities a record of the naturalization is made by the election office at the request of the naturalized citizen and he is issued a certificate, which he may present to the precinct board in lieu of the naturalization record itself. Persons naturalized through someone else whose record has been filed may also secure a certificate. Where registration is permanent this particular problem is largely eliminated.

**Absentee Registration.** Though a majority of the states provide for absentee voting, only a few states have absentee registration.\* There are two principal methods: first the absent elector submits to the registration office an affidavit covering his qualifications; and second, the elector who finds that he will be unable to register on the regular days is permitted to apply in person at the central office of the city or county ahead of time, or, in some states, after the close of registration. The latter method is not truly an absentee registration. It is merely a device to alleviate the rigidity of some systems which permit registration on only two or three days during the year. In states where loose-leaf or card records are used it is usually required that the absent elector send for these forms and have them filled in and sworn to before a proper officer, and then forwarded to the registration office. It is advisable to restrict the use of absentee

\* California, Arizona, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, and Wisconsin.

registration to persons who are actually absent from the city or county and will not return before the close of registration.<sup>25</sup>

In a few states with precinct registration, persons who were absent or ill on the regular days are permitted to submit an application at a special session a few days before the election.<sup>26</sup> Where registration is conducted at the central office throughout the year this procedure is entirely unnecessary. It works rather badly in those states where it exists, for the persons who are registered at this eleventh hour session are always rounded up by political machines, and sometimes this is made a vehicle for padding the registers. In New Jersey prior to 1927 persons who were absent or ill on the registration day could be registered up until a week prior to the election day by submitting an affidavit to the county election commission. Politicians made it a practice to round up a large number of such affidavits and turn them in. Many of the registrations thus entered were said to be fraudulent.<sup>27</sup>

There is little need for absentee provisions under a permanent registration, conducted throughout the year at a central office. Clearly, the case is entirely different where the voter is required to register every year or so, and is given only a few days on which this can be done. He may be out of the city or county on those particular days. If, however, he is registered for life and may register at any time, obviously there should be little necessity for absentee registration. In view of the fact, though, that there are some persons who are necessarily absent for years at a time from their legal residence, it is advisable to provide for absentee registration under any system. It should be limited to electors who are more than fifty miles away from their legal resi-

<sup>25</sup> California restricts it to persons absent from the county; Wisconsin to persons fifty miles away from their residence; while some states restrict it to persons whose employment takes them away from their legal residence.

<sup>26</sup> Maine, Pennsylvania, Iowa, Ohio, Missouri, and other states.

<sup>27</sup> The writer was told that in Newark there were six thousand registrations by affidavit before one election. The superintendent of elections, believing many of these to be fraudulent, advertised that they were being investigated, and that any person voting illegally would be prosecuted. Only one thousand out of this number actually voted.

dence, and they should be required to secure the proper forms from the local registration office, have their oath taken by a proper officer, and the form forwarded in time to be received by the registration office before the last day of registration.

**Appeals.** In every state a person denied registration may appeal to the courts, though in only about half of the states is this provided by statute. In a few states appeals may be made to the officer or board in charge of registration for the city or county. Under systems of central registration it is common for the chief officers to supervise registration closely and to take up informally any exceptional cases. It would seem to be altogether reasonable and wise to permit appeals to be taken first to the chief officers of the city or county, and from them to the courts. Few appeals, however, are made, and the arrangement does not matter a great deal. In Kansas City, though, it has been the practice for the circuit court, up to and including the day of election, to issue hundreds and sometimes thousands of orders to place names upon the registers, with little regard to the merits of the appeals. Most persons registered through court orders had failed to apply previously for registration, and the cases, properly speaking, were not appeals. In 1924, after the close of registration, one of the judges opened an office adjoining that of the election commissioners and did a thriving business in issuing special orders to place names on the registers. One advantage of providing for an appeal first to the chief registration authority of the city or county would be that this could be required as a prerequisite of appeals to the courts, thereby doing away with such practices as have existed in Kansas City.

**Transfer of Registration.** In some states when an elector changes his residence within the county or city he is permitted to transfer his registration to his new address, without having to go to the trouble of registering anew. The provisions for transfer are highly important in systems of permanent registration, and of lesser importance in systems of periodic regis-

tration. Under permanent registration the number of transfers is far greater than the new registrations, and consequently the transfer procedure is more important than that of original registration. The purpose of the transfer is not only to provide a convenience for the voter who changes his residence, but also to cancel his registration in the precinct from which he has moved. Incidentally, the transfer substantially reduces the cost of registration by avoiding the necessity for making a new record.

In a number of states no provision whatever is made for transfer of registration. The voter who has moved simply registers again in his new precinct and forgets all about his previous registration. This is true of Chicago, St. Louis, and Kansas City. In these cities reliance is placed upon a house-to-house canvass prior to each election to detect the names of persons who have moved out of the precinct. Unfortunately, the canvass by the precinct officers is usually done very poorly or not at all. The failure to cancel the registration of persons who have moved out of the precinct is undoubtedly responsible for a large portion of the repeating that is carried on in Chicago and Kansas City.

A second method of handling electors who have moved is found in Maryland, New Jersey, Ohio, Idaho, Utah, Virginia, and West Virginia, where the registered voter is required to secure a certificate of cancellation from his previous precinct before he may be registered in the precinct to which he has moved. This ordinarily makes it necessary for the voter to make a trip back to his old precinct to have his registration cancelled and to secure a certificate to present to the officers of his new precinct. This places a double hardship upon the voter. Doubtless, the requirement is not strictly enforced in many places, the voter being permitted to register without careful interrogation as to whether he is registered elsewhere. It is less convenient to the voter than an original registration, and involves more work upon the registration officers.

A third method of taking care of removals is found in most states which have central registration. When the elector applies at the central office for registration at his new address, he is asked if he is already registered in the city or county, and if so, his previous registration is promptly cancelled. This method is used in Detroit, Omaha, Denver, Portland (Oregon), San Francisco, and other California cities, and in a number of states. It is effective in cancelling the previous registration, but it requires the elector to register again and is thereby inconvenient. It is also expensive, since new records must be made out.

These three methods of handling removals may not be termed transfers, for in each of them the elector has to register anew. In Milwaukee, and also in Minneapolis, St. Paul, and other Minnesota cities, the registered elector may at any time transfer his registration by sending to the registration office a signed request, giving his old as well as his new address, and signing his name. In these cities there is a card system of records with the signature of the elector on file. When the application for transfer comes in, the old registration cards are "pulled," the address corrected and the card is filed in the proper precinct. If the signature does not correspond with that on the registration record, the elector is notified to come to the office to explain. Instances of this kind practically never occur.

In these cities a post card application form for transfer is circulated prior to an election, by politicians and others, and it is customary for the newspapers to print the transfer form, which may be used by any registered elector. The application need not be made upon the regular form. Any person may transfer his registration by writing to the registration office. The voter may call at the registration office to make the transfer, but in that case he is asked to make out a written application, which is handled just as one received through the mails. It is common for political workers to secure a large number of the transfer forms and to distribute them in their precinct, frequently collecting them and turning them in to the registration office in person. Oftentimes, one member of a family which

has moved will send in an application for himself and other members of the family. This is accepted in Milwaukee if the signature of the sender compares favorably with that on file.

The advantages of this form of transfer are several. It serves the convenience of the elector, who is not required to make a trip to the central office, there to stand in line. It greatly lessens the clerical work of the registration office, since the old record is "pulled" and the address changed without the bother of making out a new record. Another advantage is that the bulk of work which comes at the end of the registration period prior to important elections is materially lightened and the line of waiting persons greatly reduced, for voters who have changed their residence do not have to go through the process of registering. In Omaha, Denver, Portland (Oregon), and other cities where the voter who has moved is required to come to the central office and register again, considerable complaint is raised on the ground that during the last days of registration long lines of applicants are formed.

The mail transfer also serves to cancel the registration in the old precinct more effectively than any other system so far described. Election authorities who are not familiar with the practical operation of the mail transfer are likely to fear that it may be attended with irregularities and fraud, but this has not been the case. The opposition to the mail transfer is absurd, for the signature is a guaranty against bogus applications, and there is nothing to be gained by having the elector appear in person. The only drawback to the system is that many electors may neglect to send in an application for transfer. When an important election comes along, the newspaper and political workers urge the electors who have moved to transfer their registration, and persons who are interested in elections will attend to the matter.

The registration officers of a few states attempt to keep the registration records constantly corrected up to date, transferring the registration of electors who have moved, without requiring any application from them. In Boston this is accomplished

by means of an annual police listing or census of all adult residents. The police secure the address for the previous year of each adult listed, and if the person is registered from the previous address, his registration is transferred. This automatically takes care of most of the electors, though in a relatively few instances it is not possible for the police to secure the address for the previous year.<sup>28</sup> In other cities of Massachusetts and Connecticut the registration records are corrected annually by means of a similar census, though the listing or census is not ordinarily done by the police. Any person whose registration has not been transferred may apply in person to have it done.

In Providence the registration office transfers the registration of electors upon reliable information, which consists largely of the annual poll tax assessment list and also the city directory. Any elector may apply in person to have his registration transferred. When a new city directory is issued the election office checks it against the registration lists and makes the proper transfers, sending the elector a form notice. A recent registration law of Wisconsin authorizes the city clerk to transfer the registration of electors upon the receipt of reliable information that they have moved, and requires him to secure a list of changes of gas and electric service and to make the proper transfers. In all cases he is required to mail a form notice to the elector as a means of notifying him and avoiding mistakes. This is a sound method. The utility companies are glad to coöperate, and the registration list is kept corrected at all times without bother to the voters.

The time during which transfers may be made requires some comment. Ordinarily they may be made any time prior to the close of registration for an election, but in a few states provision is made for transfers after the close of registration. In St. Louis and Kansas City any elector who moves after the last day of registration may apply to the central office for transfer up until

<sup>28</sup> For a fuller account of the registration system of Boston, see Chapter XI



the tenth day prior to the election. In New Jersey the elector may transfer his registration on the day of election itself by going to the previous precinct and securing a proper certificate, which is presented to the election officers of the new precinct. Transfers within a ward are permitted in a similar manner in Detroit.

The transfer provision should permit plenty of time in order to avoid disfranchising any elector; yet the bulk of transfers should be made before the eve of the election, when there is a rush to put the records into shape. The time for making transfers should normally close on the last day of registration, for in most states electors who move out of the precinct after that date are not qualified to vote at the following election. In a few states there is no requirement of residence for a specified time within the precinct, and it is necessary for the law to provide some means whereby the person who moves after the last day of registration may transfer his registration. The provision for transfer on the day of election is unwise and unsafe. In New Jersey it is said that bogus transfer certificates have been used on the day of election, since the precinct election officers are not in a position to pass upon the authenticity of the certificates presented. In a few states, including Massachusetts, the elector may go back to his old precinct and vote. This is better than a transfer on the day of the election.

Any system of registration which contains individual loose-leaf or card records with the signature of the elector should provide for transfer by mail, such as is issued in Milwaukee and in Minnesota cities. If an annual listing is made of all adults, as in Massachusetts and Connecticut, this should be used to transfer the registration of electors without requiring them to make application. Furthermore, there is no reason why transfers of registration should not also be made upon the basis of reliable information, such as the reports of changes of gas and electric service, moving reports, or other similar information. Post offices provide an address correcting service for business firms upon payment of the clerical hire involved. This

might be utilized by registration authorities before important elections. In all transfers which are made without personal or written application by the elector, he should be notified by means of a form letter mailed to his new address.

**Summary and Conclusions.** The outstanding conclusions of this chapter may be listed as follows:

1. Precinct registration is undesirable. It is expensive, and in many cities is directly the cause of registration frauds. It is not convenient for the voter, since it is limited to a very few days.
2. Registration conducted throughout the year at a central office of the city or county is fundamentally sound. It should be supplemented in cities of over one hundred thousand population by outside registration prior to every election. The California method of taking registrations by a house-to-house canvass is the best system for the first registration under a new permanent system.
3. The money spent in advertising registration is largely wasted.
4. Personal application by the elector is essential.
5. There should be a provision for absentee registration. It should be restricted to persons who are *bona fide* absent from their residence, and should be closed on the last day for regular registrations.
6. The transfer provision is highly important, particularly in a permanent system. It should permit the voter to transfer his registration by mail. The registration office should be required to secure a list of removals of gas and electric service monthly, and to make the proper transfers without bother to the electors.

## CHAPTER IX

### METHODS OF PURGING REGISTRATION LISTS AND OF IDENTIFYING THE VOTER AT THE POLLS

At present the emphasis in registration administration is placed upon the routine clerical work of taking applications for registration and preparing the lists of voters. The work of purging the lists is largely neglected. In most states the registration officers make no attempt whatever upon their own initiative to purge the lists of dead weight or to make investigations designed to detect frauds. Most registration systems have been drafted under the notion that it is sufficient to have an official list of registered electors, and then political parties and public spirited citizens will see to it that unqualified persons will not be permitted to vote. This assumption is essentially false. Unscrupulous politicians connive at and engineer practically all election frauds. The common belief that the two political parties actually oppose each other and prevent the other from engaging in frauds is a pure myth. It is well known by inside observers that the political machines of most large cities where frauds occur are often secretly in working agreement; the show of opposition is kept up only for the sake of appearance. Corrupt politicians seldom "squeal" on their friendly enemies of the other side. In the wards of the large city where frauds occur, there is usually one dominant party machine controlling both official party organizations.

Nor is it true that public-spirited citizens will investigate for registration and voting frauds. It simply is not done, except in rare instances where frauds become unusually flagrant. In cities with the largest amount of padded registration and continued frauds, the respectable citizen rarely complains. The good citizen

## PURGING LISTS

lives in the better part of the city and sees nothing wrong with the conduct of elections in his own precinct. A wide variety of reasons could be advanced to explain why the citizen living in the precincts where fraud is carried on does not undertake to report it or put a stop to it. Obviously, to do so would be to invite trouble. The citizen of the slum section, the flop-house district, the criminal or semi-criminal belt has long since learned that public spirited attempts in this direction are not only dangerous to the individual, but futile as well. In many sections of the large cities, registration and election frauds are not only condoned by general local sentiment, but are looked upon as an accomplishment showing ability and power. In a large Eastern city the higher-ups in the political machine complain that the small-fry politicians engage in frauds when not at all necessary, in order to have something to brag about. Registration lists cannot be kept free from dead weight and padding through the voluntary activities of party workers and private citizens. It must be done by responsible public officers, and done in a thorough and systematic manner.

The need for investigation and purging is not the same under all systems or in all states. Where voting frauds are practically unknown, it is not necessary to take the same pains in purging the lists as in other places where they are more prevalent. Nor is the same degree of care required for annual or biennial registration as for permanent registration. The advisability of adopting permanent registration rests almost entirely upon the thoroughness with which the lists may be cleaned. If the registers cannot be kept free from dead weight it is better to conduct a new general registration every one or two years, even though this involves inconvenience to the electorate, cuts down the number of registrants, and makes the process very expensive.

Various methods are used in different states to purge the registration lists. The remainder of this chapter is devoted to a description of these methods, together with an account of their practical operation, and with particular attention to the best practices. No single method of purging is sufficient; it is neces-

sary to use a combination of methods to keep the registers clean, and the particular ones used should be adapted to the needs of the locality.

The various methods which are used include the following:

1. Transfer of registration.
2. Cancellation of the registration of deceased electors through use of the official death reports.
3. House-to-house canvass of all registered voters.
4. Census of adult residents.
5. Personal knowledge of the precinct registration officers.
6. Cancellation of registration for failure to vote.
7. Lodging house reports.
8. Miscellaneous sources of information.
9. Challenges.

**Transfer of Registration.** The transfer of registration within a city or county constitutes a very important means of keeping the registers purged of the names of persons who have moved out of the precinct. Since the great majority of removals are local, an effective transfer system operates to cancel the registration in the old precinct for most electors who have moved from their registered address. It would be possible to provide for transfers to apply not only within a city or county, but also throughout the state. Eventually we may come to transfer of registration across state lines, so that normally all removals would be taken care of in this way. There is much to be said for a nation-wide transfer system. A provision which accomplishes much the same purpose within the state is now being used in California and Wisconsin. When an elector, who has moved from one county to another, or in Wisconsin from one city to another, registers again he is required to sign an authorization to cancel his previous registration. This is forwarded to the county or city wherein he previously resided.<sup>1</sup> This provision has not been extensively used in California, owing to the fact

<sup>1</sup> California Election Laws, Sec. 1097; Wisconsin Session Acts, 1927, Ch. 208. Some counties in California do not forward the authorizations, but notify the county clerks of the proper counties.

that a new registration is conducted every two years. Because of the delays and administrative difficulties which would be involved in transferring registration from one county or city to another, this procedure is probably better.<sup>2</sup>

**The Use of Death Reports.** In several states the registration officers are required to secure a copy of the official death reports and to cancel the registrations of deceased electors.<sup>3</sup> This simple procedure works exceptionally well, and at a nominal cost. Not all deaths can be detected in this way, for some persons die while away from their voting residence, but the great majority of the deaths can be discovered and the registrations cancelled.

In Chicago, St. Louis, and Kansas City the election office secures the official death reports and compiles lists of deceased persons, which are sent to the precinct officers at the next registration, to be used in purging the registers. This procedure is defective, for frequently the precinct officers make no use of these lists. It would be much better for the election office to make the cancellations. In New York the death reports are used in preparing challenge lists, which are also turned over to the precinct officers.

Most states provide also that the registration office shall secure a list of persons convicted of disfranchising crimes and cancel their registrations. This is of much less importance. The number is relatively small, and since persons convicted of felonies usually have numerous aliases and addresses, it is in most cases futile to attempt to cancel their previous registration or to hope to prevent them from registering in the future.

**House-to-House Canvass.** In the largest cities, including New York, Chicago, St. Louis, Kansas City, Milwaukee, Omaha, and Detroit, a house-to-house canvass is made prior to important elections. The registration officers or the police, who make the canvass call at each address and check up on the residence of

<sup>2</sup> For a detailed account of transfer procedure, see Chapter VIII.

<sup>3</sup> Some of the largest cities using the death reports to cancel registrations are: Boston, Detroit, Omaha, Minneapolis, Portland (Oregon), San Francisco, and Los Angeles.

the registered voters. The purposes of the canvass are to prevent the padding of the registers with fictitious names and to ascertain whether the registered electors still reside at the addresses from which they are registered. If a thorough canvass is made, the names of persons who have died or moved away are cancelled, and it becomes difficult for the unscrupulous politician to pad the list. He may do so, but it is necessary for him to make arrangements with the proprietor of the cheap lodging house or the householder to agree to account for fictitious persons, and arrangements of this kind are troublesome and dangerous.

In Chicago, St. Louis, and Kansas City the canvass is made by the two precinct clerks of election, while in New York, Milwaukee, Detroit, and other cities it is made by the police. In Omaha the canvass is made by the single precinct inspector of elections, who is selected without regard to party affiliation and made responsible for the conduct of elections in his precinct.

The house-to-house canvass is thoroughly done in some cities and is effective in purging the registration, while in other cities it is poorly done or done not at all. In Milwaukee the police canvass is highly satisfactory and the same is true of the canvass made by the single inspector in Omaha, but in Chicago the canvass is largely a joke, especially in the wards where frauds are perpetrated. Fair results are secured in St. Louis from the canvass by the two precinct clerks, but in Kansas City, under the same law, it is generally considered that the precinct canvass has failed to purge the registers of dead weight. The principal problem in the canvass is that of securing reliable persons to do the work.

The precinct officers who conduct the canvass are selected by the party organizations, and are subject to the orders of the precinct party captains. They are temporary, irresponsible officers. In the worst precincts they are usually of a very low character. They do not have the training or native ability to make any real investigation of the residence of the voters of their precincts. Frequently they come to look upon the canvass only as a means of securing additional compensation, and make

the canvass from the street corners. It is well known in cities where the precinct officers conduct the canvass that in many precincts no canvass is made. Even in precincts where the officers are conscientious, they are unable to make the kind of investigation which would discover padded registration. The precinct officers usually merely check the names on the mail boxes to ascertain whether the registered voter resides at his registered address. It is extremely easy to get around such a canvass. Where they interrogate the householder or landlord, they usually ask: "Do these people live here?", and then read off the list of registered voters. It is easy for the householder who is in collusion with the precinct politician to say "yes" to all such inquiries.

For a number of reasons the policeman is more reliable and responsible. He is a permanent employee, and is subject to effective discipline for a failure to perform his duty or for fraud. His police training and experience enable him to make a more thorough canvass and to detect suspicious cases more readily. But in many cities the police force is hopelessly enmeshed in local politics, and well informed persons believe that it would be the worst possible step to have them check up registration.<sup>1</sup> Whether it is advisable to use the police depends largely upon the local situation. Between a politically controlled police force and a politically controlled force of temporary precinct officers, there is not much choice. It is absolutely essential to have the canvass made by persons who are not subject to orders from the political machine—particularly the precinct politician who would be the very one to attempt voting frauds. It is of little use to provide for a canvass by two persons, representatives of the two major political parties, for reasons already mentioned. If the police cannot be relied upon, the registration officers in charge of the city or county should personally select and be responsible for the

<sup>1</sup>This statement applies particularly to Chicago, Philadelphia, Pittsburgh, and Kansas City. In Kansas City the police force is an issue in every local campaign, and numerous charges and counter charges are made that the police intimidate voters and terrorize the polls.



temporary officers who make the canvass, with no attention to party affiliation or to precinct residence. A smaller number of officers selected and supervised with greater care, and each officer used to canvass a number of precincts instead of one, would greatly improve the quality of the canvass.

The technique of conducting the canvass needs improvement in most cities. It is too much to expect temporary employees to become skilled detectives overnight, but thorough instructions, especially to the canvassers in the districts suspected of fraud, would be of great value. The common method of asking the informant if so-and-so resides there, stating the names of the persons registered from that address, is fundamentally defective. Where special investigations are made by competent persons it is commonly found that the informant will say yes to every name mentioned, even though fictitious names or names of prominent persons are included. The better practice is to require the canvasser in the precincts where fraud is suspected to secure the name of the informant and the names of all residents over twenty-one years of age, and then to check these against the list of registered electors. Where a lodging house or hotel is investigated the canvasser should inspect the register of permanent residents, and should have the authority to require the proprietor to produce it. Care needs to be exercised, though, to prevent the proprietor from submitting a false register of permanent residents, prepared especially for the eyes of the canvasser. In some investigations conducted in Philadelphia it was found that the "register" of permanent residents was exactly in the same order as the printed street list of voters from the address, and were all freshly entered.

The canvass should be adapted to the needs of the different sections of the city. In the better residential sections it is not worth while to have the canvasser make inquiries or follow a procedure designed to detect padded registration. It is sufficient for a single person to call at the houses and check the residence of registered voters by simple inquiry. In the transient sections of the city, where corruption and frauds thrive, an

entirely different technique should be followed. Capable and responsible persons especially trained in their work should be used. They should be warned of the kinds of places at which to suspect padded registration and instructed thoroughly how to handle the situation. Inexperienced persons should be assigned to work with an experienced investigator. Complete records should be kept to facilitate a check-up by the central office and for possible future use. With proper records and summaries for each precinct, the registration office could easily detect any failure on the part of the field men to perform their duty.

**Census of Adult Residents.** In Massachusetts, Connecticut, and Baltimore a census of all adult residents is made instead of the house-to-house canvass of the registered voters. The census is superior to the canvass in several important respects, though the work involved is somewhat greater. It may be made before the registration instead of afterwards, thus permitting the use of a much longer period. It may be made by a relatively small number of employees, personally hired by the election board and thoroughly trained and supervised. It is easy to check up on the accuracy of the work of the census taker, since he is required to secure certain positive information at each address. If he omits residents or pads the lists with fictitious names, this is very easily discovered through an inspection of the territory he has covered. There are persons residing at practically every address, whose names and certain other information must be secured. If houses are missed, it is readily apparent. Incomplete or inaccurate work would be discovered when the census is checked against the list of registered voters.

In Connecticut and the city of Baltimore the census takers secure merely the name, address, and place of residence at the preceding census, but in Boston the "police listing," as it is called, is more systematized and detailed. The name, address, address at the preceding census, probable age, suite number, sex, and the name and address of the informant are secured. These

items are recorded upon an individual card for each resident. The officer making the listing also records his own number upon the card. There is a "master" card for each building in the city, which is checked out to the patrolmen assigned to the work, and a report must be made for each building. After the census has been completed the lists of residents are turned over to the election office and are checked against the registration records. All registered voters who are listed at the same address are retained upon the registers. Voters who have moved within the city are transferred to the new address, and registered voters who are not listed are stricken from the lists after due notice and opportunity for hearing.<sup>5</sup>

The police conduct the census in Baltimore, but the work is not as well organized as it is in Boston, and comparatively little use is made of the results. The police make a house-to-house canvass of the city and write down the names of all adult residents in bound precinct books. These books contain spaces for the name, address, and address at the time of the previous census, but the police make little effort to secure information on the last item. The census reports are turned over to the precinct registration officers who, however, make practically no use of them except for the original registration every four years. When the general registration is conducted one of the precinct officers is assigned to check whether each applicant is listed, and if the applicant is not, the precinct officers are instructed to question him closely before permitting him to register.<sup>6</sup> In the years following the general quadrennial registration the precinct officers use the latest annual census to check the residence of new applicants for registration, but do not use it to purge the old registration.

In Connecticut a census of all residents is made in order to assess a personal tax of two dollars upon persons over 21 years of age, and also to correct the registration lists. In some places the census is made by ward assistant registrars, and is very

<sup>5</sup>For a fuller account of the Boston system of police listing, see Chapter XI

<sup>6</sup>Election Laws of Maryland, 1924, p. 235

expensive, but in other places it is made by office employees of the registrar of voters. Nowhere is the work organized as well as in Boston, but since an effort is made to collect the personal tax, the census is taken seriously and is fairly well done. The payment of the personal tax, however, is not a qualification for voting.

In Pennsylvania and in several Southern states the payment of a poll tax or some other form of state tax is a requirement for voting, and the making of the assessment lists operates somewhat as a census of residents. In the rural sections of Pennsylvania the assessors' list is used at the polls somewhat as a registration list. Proof of the payment of a tax is not ordinarily required except upon challenge. In Philadelphia, however, no one may register unless he has paid the required tax. Real estate owners may present their tax receipts in lieu of the poll tax receipt, but other citizens must pay the poll tax of fifty cents once in two years. The assessment lists for each precinct are made up by the assessors twice each year, and no one may pay a poll tax whose name is not on the list.<sup>1</sup> The tax is purely voluntary, no attempt being made to collect it.

The assessors in Philadelphia are popularly elected in each precinct, and are responsible to no one except the Republican party organization, which puts them into office. They receive \$82.50 annually. It is well known that the assessors' lists are grossly inaccurate. They contain the names of many persons who have died or moved away, and fail to contain the names of many citizens who actually reside within the precinct. They are used for partisan purposes, and instead of preventing fraudulent registration, are a positive encouragement of it. The city pays approximately \$210,000 annually to have the assessors' lists prepared and printed, while the total receipts from poll taxes average about \$75,000 making a net loss of \$135,000 annually. The system is defended by the party organization, which pays the poll taxes of its voters and thereby secures a control over them.

<sup>1</sup> Election Laws, Art. XIV.

**Personal Knowledge of the Registration Officers.** In many rural states it is provided that the precinct officers shall cancel the registration of voters known by them to have died or moved out of the precinct. This system of purging can be used only in rural sections, where the registration officers are personally acquainted with the voters. If the rural registration officers perform their duty conscientiously, they can keep the registration list free from dead weight, and corrected before each election, without the necessity of a canvass or census of the precinct. The trouble lies in getting the precinct officers to check the list of registered voters and to make the required cancellations. Even where the registration officers in rural sections are required to prepare a new register each year, the names of voters known to have died or moved away are frequently copied into the new books, simply through neglect. In a few states the registrars are paid a fee for each registration carried on the books, and naturally this is not conducive to extensive cancellations. In many rural sections it is reported that the registration lists are inflated with the names of persons who have died or moved away. The purging of the lists is not taken seriously by the rural registration officers because there is rarely any attempt at impersonation, and the presence of extra names on the registers is not a serious danger.

**Cancellation of Registration for Failure to Vote.** In eight states the registration of the elector is cancelled if he fails to vote.\* The largest cities now using the system are Minneapolis, St. Paul, Denver, Salt Lake City, and Portland. Ordinarily, cancellation is made either for failure to vote during a two-year period, or at the principal biennial fall election, but in Oklahoma the cancellation is made for failure to vote at three successive elections.\* Cancellation of registration for failure to vote, it should be noted, does not disfranchise the elector, for everywhere he is permitted to register again.

\* Iowa, Kansas, Minnesota, Wisconsin, Oklahoma, Colorado, Utah, and Oregon. The permanent registration laws of Ohio and Michigan enacted in 1929 provide for cancellation for failure to vote.

\* Registration Law, Sec. 17.

In Oregon the registration lists are purged biennially of the names of persons who have failed to vote during the preceding two years. The individual card record is withdrawn from the registers and a form notice is mailed to the voter. In Kansas the registration records are checked after each biennial fall election and the names of persons who failed to vote at that election are cancelled without notification.<sup>40</sup> In Colorado new registration records are prepared every two years and the names of all electors who voted at the previous biennial fall election are copied into the records. Persons who failed to vote at that election are required to apply in person for registration. In Utah the names of all electors who have voted at either of the last two preceding general elections are copied into the new registers that are prepared annually. All other persons must apply for registration.

Cancellation for failure to vote has been adopted with two purposes in view: first, to purge the registers, and second, to provide an incentive for voting. If the elector fails to vote at the general election or within a two-year period, he is penalized by being required to register again, which is as much trouble as voting, if not more. It is impossible to estimate how much effect this may have in swelling the vote, but it does effectively prevent the indefinite continuation of dead weight upon the registers. In most cities where this method is used, it is relied upon almost exclusively to clean up the registers, and no concern is caused by the fact that the registers contain the names of a few persons who have died or moved away, since they will be removed at the end of the two-year period. It is true that this means of purging the lists is always behind the game, and that at any election there are a number of persons on the registration books who are no longer qualified. The purging comes after rather than before the election. Nevertheless, no other method of purging is as thorough as cancellation for failure to vote. Other methods fail to catch some electors who have died

<sup>40</sup> *Election Laws*, Secs. 319, 358.

or moved away, but all are caught by a system of cancellation for failure to vote.

The weakness of this means of purging the list is, to be sure, that a corrupt machine may continue dead weight upon the books indefinitely by always seeing to it that the names are voted by a " repeater " at every election or within every two years. If each voter is identified at the polls by use of the signature, thus preventing impersonation and repeating, cancellation for failure to vote effectively cleans the registers periodically.

Several problems of administration require comment. At present cancellation is made usually every two years, though a question may be raised as to whether it should not be made annually or quadrennially. If made annually, it would result in many voters having their registration cancelled, for oftentimes there is no important election during the odd-numbered years. This would lead to considerable confusion and inconvenience to the elector. It is hardly feasible to cancel for failure to vote during less than a two-year period. It is sometimes proposed that cancellation for failure to vote should be made only once during a four-year period. This undoubtedly goes to the other extreme. In any large city there are many removals within a period of four years, and this would cause the purging process to be too far behind.

The elector whose registration is cancelled should always be notified at his registered address, so that he may register before the next election if he is still qualified. The state of Washington adopted a law several years ago providing for cancellation for failure to vote, without notification, and the law resulted in a great deal of trouble when the first cancellations were made. Many persons insisted at the polls at the following election that they were registered and had voted during the preceding year, and were disgruntled at being prevented from voting. The dissatisfaction was so great that the legislature repealed the law at the following session.

In some counties of Oregon it is the practice of the county clerks to include on the form notification of cancellation, a

statement that if the elector still resides at the same address and is qualified to vote, he may reinstate his registration by signing the card and returning it to the office of the county clerk. This is not authorized by statute, but has worked well. Electors who have failed to vote and who still reside at their registered address usually return the card and reinstate their registration. A recent Wisconsin law contains this provision.<sup>22</sup> It does away largely with the penal effect of cancellation, since it is made so easy to reinstate, but by that very fact it avoids any criticism on the ground of inconvenience or unfairness to the elector.

**Lodging House Reports.** Proprietors of lodging houses, rooming houses, and hotels in a few of the largest cities are required to file with the registration office a list of their lodgers. This is found in New York City, Chicago, Newark, Jersey City, Los Angeles, San Francisco, and other large cities. It is a well known fact that most fraudulent voting has taken place from lodging houses and cheap hotels in the transient sections of large cities. The proprietor is more or less responsible, and if pinned down to a sworn statement, he will usually send in an accurate report.

Usually the report must be filed about thirty days before an election and must include the names of all permanent adult residents, together with certain other information about each resident, ordinarily the number of the room or bed occupied and length of residence. In New York and New Jersey the proprietor is required to report only those persons who claim a voting residence, and the report includes, among other data, the signature of each lodger. In San Francisco and Los Angeles the state law provides that the election office may require the proprietor of a lodging house to file a statement of his lodgers, but this requirement is never made unless there is a complaint or reason to suspect padded registration.

Lodging house reports everywhere are poorly administered. In some cities they are secured for only a small number of the

<sup>22</sup> Session Laws, 1927, Ch. 208.



lodging houses, while in no city are these reports intelligently handled. In most states the law is defective in regard to the use that shall be made of them. Common sense would dictate that these reports should be checked against the registration lists and used to remove the dead weight, but strangely enough this is never done. In one large city they are stacked up at random as they come in and no attempt whatever made to use them, or to handle them in such a way that anyone could possibly make use of them. In New York City the law merely provides that the election office shall keep a copy of such reports on file for public inspection, provide a copy for the special deputy attorney general at his request, and turn the original over to the police department."

As lodging house reports are handled at present they are of little value. In most cities they are of no use at all, though in New York City it is said by persons who should know that they have stopped most of the election frauds from the transient lodging houses and cheap hotels. This is not because the election office makes any use of them, but because, should an election fraud case arise, the proprietor might be haled into court for having made a false report. The signature, as required in New York, is a very important part of the lodging house report. The next step would be to require the election office to check the lodging house reports against the registration records, comparing the names and signatures, and to cancel the registration of persons who are not reported or whose signatures on the report do not agree with those on the registration record—after due notification and opportunity for hearing. If the registration records for each precinct are arranged in street order, the process of checking the reports would be very simple and inexpensive.

Voting frauds from lodging houses and cheap hotels can be eliminated in any city by the thorough execution of lodging house reports in this manner. The registration authorities in

" Election Laws, Sec. 61.

every large city should have the power to require lodging house reports, including the signature of each lodger claiming a voting residence. The reports should be compulsory in the largest cities and in all cities afflicted with voting frauds. It may be objected that the lodging house report containing the signature places an undue burden upon the proprietor and the resident of lodging houses. This is not true. No particular difficulty has been encountered in New York. The proprietor or his clerk knows quite well who are permanent guests, and it is a simple matter to have them sign the report. Hotels for transients would have no difficulty, for the report applies only to permanent guests. "Flop houses" and disreputable lodging and rooming houses would find it impossible to carry along an army of fictitious residents on the registration lists, as they now do in many large cities, and would give up the attempt.

**Miscellaneous Methods.** There are several miscellaneous sources of information which may be used to correct and purge the registration lists. The chief one of these is the use of the mails and postal facilities. In San Francisco the state law requires the election office to mail to every registered elector an official election pamphlet. By arrangement with the local post office, these pamphlets are not forwarded to the elector who has moved, but are returned to the election office. The record of every elector whose pamphlet is returned is marked so that he will be challenged if he appears at the polls to vote. Many removals are caught in this way. This practice is not specifically authorized by state law in California, but a similar practice is authorized in Minnesota.<sup>29</sup> It has not been used, however, to any large extent by Minnesota cities.

There are some obvious disadvantages in this method. The postman cannot be held responsible if the form notice mailed out by the election office is taken up by persons other than the one to whom it is addressed. Postmen commonly leave mail at residences and lodging houses to see if anyone will claim it,

<sup>29</sup> Election Laws, Sec. 383G.

and it would be easy for a corrupt politician to pad the registration lists if no other investigation is made. The cost is not particularly low. In Omaha the cost of the house-to-house canvass by inspectors averages 2.8 cents per registered voter, which is considerably less than the cost of mailing form notices to the registered electors.

In some cities the post office renders an address correcting service to private firms, provided the clerical hire involved is paid." Although it has never been done by an election office, there is no reason why this new service could not be used. The registration lists could be turned over to the post office to secure the new addresses of persons who have moved. Upon the basis of this information transfers of registration within the city could be made, and the registration of voters who have moved outside of the city could be cancelled. It would be necessary, however, to notify the elector in every case, for frequently persons have mail forwarded to a temporary address.

In a few cities various other sources of information are used to keep the registration records corrected up to date at all times. In Lincoln the city clerk uses the moving reports compiled by the local chamber of commerce. In Providence the registration office uses the city directory and the assessment lists. In a recent Wisconsin law the city clerk who has charge of registration is required to secure a list of changes of service from the local gas and electric utility and to make the proper transfers."

The officer or board in charge of registration should be given full power to purge the registration lists upon reliable information. The rights of the elector may be adequately safe-guarded by requiring that a notice be sent to him through the mail before his registration can be transferred or cancelled. The registration authorities should also have full power to conduct special investigations in all or part of the city or county, at any

"The writer has been informed of this practice by the Post Office Department at Washington.

"Session Laws, 1927, Ch 208.

time they deem such investigations necessary, and the expenditures involved should be a legal charge against the city or county. If the funds to carry out such an investigation have to be secured through the local legislative body they are apt to be denied. There is little danger that the registration authorities will make an unwarranted raid upon the treasury for funds to conduct an investigation of registration. The responsibility for clean registration should rest upon the officers in charge, and they should not be hampered by legal or financial restrictions."

**Challenges.** In most states private citizens may step in to force the purging of registration lists through challenges, though a few states have no such provision in the election law. A few states provide that challenges, unless they are made at the time the registrant applies for registration, shall be noted upon the registration record and administered at the polls on the day of election." In actual practice, few challenges are ever made except at the polls. If registration is conducted by precinct officers it is customary for challenges to be received and heard by them, but under central registration systems they are made to the chief registration officer of the city or county. In Colorado the election law provides an elaborate procedure for challenges to be taken before the courts, but in the counties of the state visited by the writer no challenge had ever been made under this procedure.

It is advisable to provide a challenge procedure, but it should not be relied upon to purge the lists. It avails little to provide that any person may be challenged when he applies for registration. Party workers or others are not in a position to know whether the applicant is qualified, without making an investigation. Challenges should be permitted after the registration has been finished and there has been time for an investigation. If they are tried by the precinct officers, it makes necessary an extra session for this purpose—an expense which is not justified

<sup>16</sup> See page 135.

<sup>17</sup> This is the case, for example, in Ohio and New York.

by the number of challenges. The better procedure is to provide that after the close of registration, challenges may be submitted to the central registration office, and that the registration or election commission shall notify the challenged person and hear the case.

It is necessary to provide some safeguard against indiscriminate challenges, for otherwise qualified voters in the Democratic sections may be challenged by indiscriminately by the Republicans and vice versa." An individual allegation should be required for each person challenged, stating the specific grounds and the name of the informant, as well as the signature of the person making the challenge. The registration office should be required to investigate every challenge before it is heard, sending out their investigators to the residence to make inquiries. This procedure will quickly show whether the challenges have been made indiscriminately and for a partisan motive.

**Identification of the Voter at the Polls.** The use of the registration records at the polls is a highly important part of all registration systems. One of the prime purposes of registration is to identify the voter when he votes, and thereby avoid voting frauds through impersonation and repeating. An effective system of identification of all voters would put a stop to practically all forms of fraudulent voting. Even corrupt precinct election officers would not dare to place fraudulent votes into the ballot box, for their act could be readily discovered when a check was made of the records.

Most registration systems at present provide no practicable means of identifying the voter at the polls. A few systems in large cities require an elaborate personal description of the voter, including such items as height, color of eyes and hair, age, and peculiar marks of identification. The items are of little or no value simply because the election officers in the

" In Kansas City approximately 17,000 challenges were made before one election in 1924, including the president of the street railway company. Most of the challenges were said to have been made for partisan purposes.

rush of the conduct of elections cannot take the time to examine and measure the applicant to vote, and in practice almost never pay any attention at all to the personal description in the registration records. If the precinct board is corrupt (which is usually the case where frauds are committed) no attempt will be made to identify the applicant. Under most registration systems there is little to prevent corrupt precinct officers from stuffing the ballot box by checking off the names of persons who fail to vote and placing ballots in the box for them. When a challenge is made before an honest precinct board the registration record can be used to identify the applicant, but in precincts where frauds are perpetrated challenges are extremely rare. Reliance cannot be placed upon challenges, for the honest election officers or watchers are not able to detect all suspicious cases.

Ordinarily the registration records are used at the polls merely to ascertain whether the applicant is duly registered. Even with perfectly clean registration lists, impersonation and repeating are relatively easy in large cities. If the registration list is padded with fictitious names or the names of persons who have died or moved away, it is extremely easy for the corrupt politician to use repeaters, or to make a deal with the election officers to check off the "phoney" names and put the ballots into the box or to let the precinct politician do so himself. In many cities there is a considerable amount of impersonation at every election, and it is by no means uncommon for numerous complaints to be made to the election office by *bona fide* voters who found their names voted before they appeared at the polls. Every system of registration should provide a positive means of identification of every elector before he votes, not only to put a stop to voting frauds, but also to safeguard the right of franchise to the *bona fide* elector.

There are several ways in which every voter may be positively identified when he appears to vote. The most effective system now in use is the signature of the voter. In a number of states he is required to sign the registration record when he registers

and also to sign when he applies to vote, and the precinct election officers are required to compare these signatures. This system is now in use in New York,<sup>19</sup> Minnesota,<sup>20</sup> Des Moines, Omaha, and throughout California. It is simple, easy of operation, involves no objections, and is extremely effective in preventing voting frauds. It is strange, indeed, that the signature method of identification has not been adopted more widely. Where it is in use it is universally endorsed as an essential part of the registration system. It is not possible, to be sure, always to secure a careful comparison of the signatures, and some precinct boards make no attempt to compare the signatures except where the applicant is unknown; nevertheless, the possibility of a comparison is sufficient in most cases to prevent impersonation and repeating. In New York and California watchers also may make comparison,<sup>21</sup> so that even where the precinct officers have been "fixed" there is always the possibility that a watcher may detect impersonation. The very act of signing has a strong psychological effect upon the election crook. He does not hesitate to vote under the name of another person if he makes no permanent record of his act, but if he must sign it becomes a different matter. Most crooks have great respect for the abilities of handwriting experts and refuse to engage in crimes where they must sign, even when the signature is that of another person. If the election frauds are to be committed by the precinct election officers, it becomes dangerous for them, for they must sign for the voters for whom they would vote. The possibility of a close inspection of the records after they are returned to the election office makes it unsafe.

Certain objections are always raised against the use of the signature by persons who have never observed its practical operation. They assert that it is impracticable because of the number of persons unable to sign their names. As a matter of fact, this number is extremely small. Even most illiterates can

<sup>19</sup> Cities of 15,000 population or more.

<sup>20</sup> Cities of 10,000 population or more.

<sup>21</sup> California Election Laws, Sec. 1204; New York Election Laws, Sec. 202.

sign their own name. By actual count the number of persons registered in San Francisco in 1926 unable to sign was only ninety-three out of a total registration exceeding two hundred thousand. In Rochester, New York, the records show 517 persons who failed to sign the register, out of a total of 103,839, or about one-half of one per cent. In Omaha there were four hundred and sixty out of a total registration of over seventy-five thousand, or about one-half of one per cent.<sup>22</sup> These statistics show conclusively that the number of persons unable to sign the register is negligible.

Persons who are unable to sign may be identified in other ways. In New York an identification statement is made out for the non-signer, who is required to answer a number of personal questions, giving the name of his father and mother, his occupation and name and address of his employer. On the day of election he is required to answer the same questions and the answers are recorded and signed by an inspector of elections and then compared with his previous answers.<sup>23</sup> This procedure is cumbersome, but it does not matter much, since only a few voters have to be identified in this manner. A few items to serve as personal identification, such as height, date of birth, and color of eyes might be recorded upon the registration record (in the remarks space) to identify the non-signer. In most states it would be unnecessary to require a written identification statement to be made out when the non-signer voted.

It is important to secure a real comparison of the signatures of all voters and the procedural provisions should be designed to facilitate this. In New York the comparison can be made only with some difficulty, for the registration signature is in one copy of the large bound precinct register, while the signature at the polls is made in another copy. Under this procedure many precinct boards fail to make an actual comparison. In Omaha and throughout California, the voter is required to sign a poll

<sup>22</sup> The writer is greatly indebted to Messrs. H. A. Nichols of Rochester, William D. McHugh, Jr., of Omaha, and J. H. Zemansky, of San Francisco, for having an actual count of the non-signers made at his request.

<sup>23</sup> *Election Laws*, Sec. 202.



list when he appears to vote, which is known as a "roster of voters" in California.<sup>22</sup> This method speeds up the process of identification, since the voter signs in the poll list or roster on the first vacant line. In Minnesota cities which have permanent registration, the voter signs a voting certificate when he appears at the polls to vote, and his signature on this certificate is compared with that on the registration record and approved by the judge or clerk in charge of the register. The voter hands the certificate to the judge in charge of the ballots to receive a ballot, and leaves it with the poll clerk when he deposits his ballot in the box.<sup>23</sup> The certificates are retained and turned in to the election office with other supplies. This procedure facilitates an actual comparison, for the officer in charge can place the certificate directly beside the registration record of the voter and compare the signatures at a glance. Pads of blank certificates are distributed at the polling place to be filled in and signed by the voter before he applies to vote. In Duluth visible card registration records are used, which make it easy for the precinct officers to locate quickly the registration record of each voter.

Both of these procedures for identification work quite satisfactorily. The Minnesota scheme makes actual comparison a routine, and unquestionably secures the better comparison. The Omaha and California procedure is somewhat simpler, and may have a greater psychological effect upon the voter, since he is required to sign in a permanent, bound poll list or roster of voters.

It is always urged against the signature comparison that it would slow up the process of voting, and make elections more expensive because of the necessity of having smaller precincts. This contention is not based upon actual experience, for no trouble of this kind is encountered in any city where the system is in use, and some of the cities have precincts with

<sup>22</sup> California Election Laws, Sec. 1204; Nebraska Election Laws, Sec. 2273.

<sup>23</sup> City of Minneapolis, "Instructions for judges and clerks of election," 1926. This procedure is also provided in the Des Moines law.

more than five hundred registered voters. Delay in voting is practically always caused by the lack of a sufficient number of voting booths. If the Minnesota procedure of voting certificates is followed and the registration records are properly indexed or if a system of visible records is used, no trouble should arise in handling even as many as two thousand voters in a single day. For the very large precinct it would be feasible to divide the register and use two persons to check the voters.

The election officer making the comparison of the signatures should be required to sign his name or initials upon the voting certificate or poll book after the signature of the voter. This will fix definite responsibility upon a single officer and provide a permanent record. In New York the election officer signs his initials,<sup>28</sup> while in Minnesota he signs his name.<sup>29</sup>

In several large cities the elector is required to sign when he registers, and although he is not identified by the signature at the polls, the signature in the registration records may be used to identify him in case of a challenge.<sup>30</sup> This is of little value. The defect of this procedure is that the election officers and watchers in a large city cannot detect suspicious cases, and are not able to use the challenge effectively. If there is any appreciable danger of fraudulent voting, the signature should be required of every voter. In Boston, Denver, Portland (Oregon), and a number of other cities, the signature is required for registration, but the system of records is such that the signature is not sent to the polls on the day of election and is not available for identification of the voter, even upon challenge.

It has been proposed that fingerprints or photographs be used to identify the voter at the polls. These methods are not used anywhere in this country in connection with registration of voters and there is no likelihood that they will be adopted in the near future. Several serious difficulties stand in the way,

<sup>28</sup> Election Laws, Sec. 202.

<sup>29</sup> Minneapolis, "Instructions for judges and clerks of election," 1926, p. 14.

<sup>30</sup> Philadelphia, Pittsburgh, Baltimore, Cleveland, Cincinnati, St. Louis, Milwaukee, Seattle, and other cities.

particularly the strong public sentiment which would be raised against the use of either. Unquestionably, either method would involve certain substantial administrative problems, and would be somewhat expensive. The signature identification provides the best practicable method, for it does not incur any public disapproval, and may be used without any serious administrative difficulty and with no additional cost.

**Summary.** The methods of purging the registration list should be adapted to the needs of the jurisdiction to which they apply. Large cities require different, more elaborate, and more thorough-going purging provisions than rural sections or towns and small cities. Places which have strong party machines require a much stiffer system than other places where the party organization has broken down, and there is no machine to inject organized fraud into the election. There are, however, three methods of purging the lists, which should be used in all places where registration is required. The first is the cancellation of registration upon the basis of the official death reports. This is inexpensive, easily administered, and accurate. There is no valid argument against the use of these reports. The second method is cancellation of registration for failure to vote within a two-year period. If it is desired to penalize the voter for failure to vote, he may be required to re-register in person thereafter, but if it is not desired to place a mild compulsion upon voting, the registration of non-voters should be cancelled only after they are notified and given an opportunity to apply through the mail or in person for reinstatement. In any event the voter should be notified. This method serves automatically to clean the registration lists periodically. While it does not secure an entirely accurate list of registered voters at each election, it does prevent the piling up of accumulations of dead weight upon the registration books and keeps the registers fairly clean at all times. A third method which should be used in all registration systems is the transfer within a city or county. An effective transfer procedure purges the registration lists automatically for most removals, and also

provides a substantial convenience to the voter and an economy in the operation of the registration system.

In larger cities it is necessary to take some additional precautions against fraudulent registration and voting. How thoroughgoing such means should be will depend upon the size of the city, the past election experience and the strength of the party machines. The census of all adults, such as that conducted in Boston, furnishes probably the most reliable and the best method of purging and correcting the registration lists. If the census is used, without printing of the list of residents, it should be relatively inexpensive. The precinct canvass as conducted in most cities is of little value, and should be dropped altogether. Only by the most vigorous action can an election office hope to secure a thorough canvass by the precinct officers. Milwaukee and Omaha are two cities which do secure a thorough canvass of the registered voters, but these cities do not use the precinct officers. A census of all adults is preferable to the canvass of registered electors. If a canvass is used, it should be conducted either by the police or by a small number of employees selected by the election office. The officers or board in charge of registration should be authorized to use various other sources of information, including the postal facilities and the mails, as a means of correcting and purging the lists.

Every registration record should include the signature of the elector, which may be used at the polls to identify him. Except in small cities and rural sections, it is highly advisable to require every voter to sign when he votes, and to require the election officers to compare this signature with that in the registration record. This system of identification is one of the most effective means which can be taken to prevent voting frauds and to guarantee to the voter that someone else will not vote under his name.

## CHAPTER X

### THE COST OF REGISTRATION

The cost of registration in this country is unduly high. This is particularly true of the large cities, where the cost is usually from fifty cents to one dollar per registered voter annually. The variation from city to city indicates very forcibly that in many cities it is too high. The annual cost per registered voter varies from less than ten cents to more than a dollar. The cost in Milwaukee is 13.7 cents per registered voter annually, while that in Kansas City, with approximately the same population, is \$1.08, or nearly eight times as great. Many other comparisons equally striking could be made. Many of the cities with the best systems have the lowest cost. Furthermore, the most expensive systems are frequently the least convenient for the voter and the least effective in preventing fraud.

In rural sections and smaller cities the cost of registration per voter is usually less than in large cities. Indeed, in some smaller cities and towns where registration work is performed by the city or town clerk, it is difficult to estimate the cost because it is so small. In some states, however, the cost of registration in rural sections and smaller cities and towns is as high per registered voter as in the largest cities.

The cost of registration has not attracted the attention which the subject deserves. Most attempts at registration improvement have been along the line of making registration more accessible to the voter, with only incidental consideration of the cost. Economy and sound registration practice are not antagonistic to one another. In drafting the provisions for a registration system serious consideration should be given to the matter of cost.

The high cost of registration in most cities is due to a number of factors. The procedure set forth in the law is usually cumber-

some and expensive in the extreme. Obsolete records greatly increase the clerical cost. The registration of voters in every precinct of the city or county, and by a bi-partisan board of officers, is unduly expensive. Oftentimes precinct sessions are held

*Average Annual Cost of Registration in Selected Cities*

| Items   | New York  | Chicago   | Philadelphia | Boston    | Detroit  | Baltimore |
|---|-----------|-----------|--------------|-----------|----------|-----------|
| Overhead organization .....                     | \$16,000  | \$8,000   | \$20,000     | \$12,375  | \$4,500  | \$3,750   |
| Regular office force .....                      | 113,539   | 97,067    | 30,327       | 65,872    | 7,252    | 16,010    |
| Extra employees .....                           | 89,835    | 87,157    | 8,579        | 1,482     | 45,000   | .....     |
| Precinct officers .....                         | 309,000   | 209,897   | 202,050      | 8,507     | 13,590   | 81,813    |
| Rental .....                                    | 102,110   | 71,282    | 25,382       | 1,666     | 1,815    | 15,300    |
| Printed lists of voters .....                   | 121,720   | 76,904    | 57,345       | 36,703    | .....    | .....     |
| Records and supplies .....                      | .....     | 21,200    | 15,808       | 6,668     | 1,540    | 14,157    |
| Advertising .....                               | 84,890    | .....     | .....        | .....     | .....    | 4,428     |
| Miscellaneous .....                             | 46,134    | .....     | .....        | .....     | .....    | .....     |
| Total .....                                     | \$892,728 | \$632,007 | \$358,786    | \$133,063 | \$73,097 | \$185,458 |
| Average annual registration .....               | 1,254,745 | 978,550   | 427,184      | 240,346   | 326,776  | 212,696   |
| Average cost per registered voter (cents) ..... | 71.1      | 64.6      | 84.0         | 55.4      | 22.3     | 63.7      |

| Items   | Cleveland | St. Louis | Milwaukee | Kansas City | San Francisco | Omaha    | Portland (Oregon) |
|---|-----------|-----------|-----------|-------------|---------------|----------|-------------------|
| Overhead organization .....                     | \$7,900   | \$6,000   | \$1,890   | \$6,000     | \$2,500       | \$1,500  | \$500             |
| Regular office force .....                      | 25,612    | 10,590    | 2,670     | 4,200       | 23,34         | 2,260    | 1,600             |
| Extra employees .....                           | 6,760     | 18,244    | 8,148     | 62,905      | 49,349        | 11,125   | 12,776            |
| Precinct officers .....                         | 37,200    | 96,408    | .....     | 51,030      | .....         | 2,179    | .....             |
| Rental .....                                    | 21,077    | 16,143    | .....     | 12,240      | .....         | .....    | .....             |
| Printed lists of voters .....                   | 10,403    | 12,895    | 9,000     | 23,042      | 10,136        | .....    | .....             |
| Records and supplies .....                      | 6,657     | 3,199     | 1,000     | 3,017       | 3,589         | 1,137    | 1,232             |
| Advertising .....                               | .....     | 1,183     | .....     | 1,521       | .....         | .....    | .....             |
| Miscellaneous .....                             | .....     | 2,100     | .....     | .....       | .....         | .....    | .....             |
| Total .....                                     | \$115,599 | \$166,762 | \$22,708  | \$163,956   | \$86,915      | \$18,201 | \$16,168          |
| Average annual registration .....               | 151,566   | 287,724   | 165,444   | 151,500     | 209,924       | 70,000   | 120,821           |
| Average cost per registered voter (cents) ..... | 76.3      | 58.0      | 13.7      | 1.06        | 42.3          | 26.0     | 13.4              |

\*Furnished by the Secretary of State.

when unnecessary, and the precinct boards sit around with only an occasional voter to register. Annual general registration is always expensive, for every voter must be registered anew every year. Perhaps the greatest factor making for expensive registration is the domination of the administration by political ma-

chines. Frequently the election office is made the dumping ground for political ward heelers who are so poorly qualified for clerical work that they cannot be placed in any other office. The patronage of elections and registrations is a substantial element in the strategy of battle in many cities, and something to be preserved regardless of costs. In other words, in many cities the election board is not interested in the matter of economy, but rather in providing jobs for the faithful.

**The Overhead Organization.** In most large cities the administration of registration and elections is placed in the hands of an election commission, and the work is carried on independently of the other offices of the city or county government. In the largest cities of Pennsylvania<sup>1</sup> a registration commission is provided which has no jurisdiction over the conduct of elections, handling registrations only, but this is unusual. Needless to say, this practice necessitates a separate office force and duplicate overhead organization, greatly increases the cost of elections and registrations, and divides the responsibility for an honest and capable administration.

It is a waste of money to provide a special board with a separate office in most cities and counties. The amount of work involved does not justify the expense of a separate office, except in the more populous places. The city or county clerk can administer elections and registrations much more economically than a special board, and usually does the work more efficiently and capably.<sup>2</sup>

In the largest cities or counties the work of election and registration administration is sufficient to justify the creation of a separate office. The end of economical administration is better served by a single commissioner than by a board of from three to five members, not only because of the lower salary paid to a single commissioner, but also because the single commis-

<sup>1</sup> Cities of the first and second classes.

<sup>2</sup> See Chapter V.

sioner is directly responsible and will conduct the work more efficiently and economically.<sup>3</sup>

In some cities the election commission is paid only a small salary, and is not expected to spend a great deal of time in active supervision of the work of the office, but rather to act as a board of directors. In this class would come the election commissions of San Francisco, Milwaukee, and Denver. Most large cities, however, pay the election commissioners a substantial salary and expect them to devote a large part of their time to the duties of the office. New York City pays \$8000; Boston pays the chairman of the board \$6000 and the other members \$5000; while Philadelphia and Chicago pay \$4000. In a number of cities the salaries of the commissioners exceed the compensation paid the permanent office force—an absurd situation. In Kansas City (Missouri) the four election commissioners receive a total salary of \$12,000, while the regular office force receives only \$8400. For several years prior to 1924 the regular employees of the Philadelphia Registration Commission were paid a total annual salary of approximately \$13,000, while the Commissioners themselves received \$20,000. In many cities the positions on the election board have come to be regarded as political plums, to be awarded to the most deserving in the party machine. The high salary makes the positions especially attractive to politicians. In Ohio the members of the county board of deputy election supervisors are paid a fee for each precinct under their jurisdiction. This has worked badly, for in many counties the supervisors, in order to raise their salaries, have increased the number of precincts, and this has greatly added to the whole cost of registration and election.<sup>4</sup>

**The Office Employees.** There is a wide variation in the number and salary of regular employees in the election offices of the

<sup>3</sup> For a discussion of the merits of a single commissioner versus a board, see Chapter V.

<sup>4</sup> After the passage in 1921 of the act providing for payment upon the basis of the number of precincts, the number in Cleveland was raised from 571 to 757. The average number of registered voters per precinct dropped from 350 in 1920 to 182 in 1922.



large cities of the country.\* In most cities the clerical work of the election office could be better done with fewer and more competent employees. It is significant that Milwaukee uses only two regular employees in the election office, while Chicago, with approximately five times the number of registered voters, uses over a hundred. Detroit, with three hundred and fifty-nine thousand registered voters in 1924, has only five regular office employees, while Cincinnati, with approximately half the number of registered voters, has twenty-four regular employees, and Boston, with a hundred thousand fewer registered voters, has forty-seven regular employees. The number of employees used depends more upon the political situation than upon the amount of work to be done. In Milwaukee, Omaha, Detroit, and a few other cities where the positions in the election office are not used as political spoils. Only the employees actually needed are employed. In other cities where the positions are used to reward the workers of the political machines, the number of employees is excessive.

Election and registration administration is extremely seasonal in character. There is little office work to be done except for one or two months prior to an election and for about a month following. During the remaining months the office employees have practically nothing to do. It is waste of money to have a large office force idle during the slack months. In Hudson County, New Jersey, the Superintendent of Elections employs fifty-one regular employees throughout the year, in spite of the fact that the work of his office consists solely of investigating registrations and detecting election frauds. The bulk of the work of the office comes within three weeks of the annual fall election. The annual cost of the office is approximately \$118,000, which in 1924 made the canvass of the registered voters of the county cost 52.2 cents per person. Compare this cost with that in Omaha—2.8 cents per registered voter!

\* See above, page 137, for a table of the number and salary of regular employees in the largest cities of this country.

The variation in the cost of the office force per registered voter is equally striking, ranging from three cents in Milwaukee and four cents in Detroit to thirty-seven cents in Boston. The lowest costs in large cities are found in Omaha and Milwaukee, where all the work of taking care of registrations is done in the central office, there being no precinct sessions.

It is worth while to fix some standards by which to appraise the regular office force of election offices. Upon the experience of a number of cities, such as Milwaukee, Detroit, Omaha, Denver, Portland (Oregon), and others, it may be stated that the cost of office administration of the regular employees should not exceed five cents per registered voter annually, and that the number of regular employees should not exceed one for each fifty thousand registered voters. If these standards were complied with, Columbus (Ohio) would reduce the number of regular employees from fourteen to two and the cost from \$27,258 to \$5000; Boston would reduce its employees from forty-seven to five and the cost from \$91,300 to \$12,500. Most large cities could reduce the office cost from 50 to 90 per cent by establishing a system of registration with up-to-date records and by freeing the office from the spoils system.

Temporary employees, or extra help, are used in all large election offices, with one or two exceptions.\* They are taken on as needed and are discharged when their services can be dispensed with. The wage paid to temporary employees varies from three to six dollars per day, the highest amount being paid in St. Louis, Kansas City, and Detroit. In some cities the cost of extra help is excessive because of the practice of taking on a large number of extra employees for political purposes. In Philadelphia approximately \$20,000 was formerly used in extra help annually, but the Registration Commission appointed by Governor Pinchot found that most of this money was wasted, and cut the expenditure for extra help down to \$5199 in 1924.

\* Baltimore uses no extra help in the election office.

It was found that many of the temporary employees formerly on the pay roll had seldom reported for work at all.<sup>1</sup>

Temporary employees should be used to a larger extent in many cities, thereby dispensing with the necessity for maintaining a large regular force throughout the year. It is sometimes stated that satisfactory temporary employees cannot be secured, and that in the long run it is better to do the work by regular employees,<sup>2</sup> but this position is hardly tenable. The clerical work in connection with registration and elections is fairly simple. If persons of any clerical ability are secured, little difficulty is encountered in training them for their work. The trouble is that many election offices make no attempt to secure competent persons, but appoint political workers and henchmen who are sent in by the party organizations.<sup>3</sup>

**Precinct Registration.** Precinct registration is necessarily expensive because of the large number of officers required to conduct the sessions in every precinct. The salary of precinct officers is the largest single item in most registration systems, and quite often exceeds 50 per cent of the total cost. The rental of precinct registration places is also substantial. The following table indicates the percentage of the total cost of registration spent for precinct officers and rental in some of the largest cities, and also the average annual cost of precinct registration per registered voter:

| City                   | Percentage | Average annual<br>precinct cost<br>per registered<br>voter (cents) |
|------------------------|------------|--|
| New York . . . . .     | 55.        | 37.5   |
| Chicago . . . . .      | 70.        | 45.1   |
| Philadelphia . . . . . | 63.        | 53.2   |
| Cleveland . . . . .    | 50.        | 38.5   |
| Baltimore . . . . .    | 72         | 45.8   |
| St. Louis . . . . .    | 67.        | 39.1   |
| Kansas City . . . . .  | 39.        | 42.1   |
| Average . . . . .      | 59.4       | 43.0   |

<sup>1</sup> Personally communicated.

<sup>2</sup> This position was forcefully maintained by the Honorable Robert B. Ennis, Chairman of the Baltimore Election Board, in discussion with the writer, February, 1926.

<sup>3</sup> For a further discussion of extra employees, see Chapter VI.

Cities which do not use precinct registration, or which use precinct registration only at the start of a new general registration, are not included in the above table.<sup>10</sup> In the above cities the cost of precinct registration averages forty-three cents, with little variation from city to city. No substantial reduction in the cost of registration can be made without reducing the cost of the precinct sessions. In this connection, it is interesting to note that in California the registrations are usually taken by field officers, who are paid a fee of from eight to ten cents per registration.

There are a number of factors which affect the cost of precinct registration officers. First is the number of officers used in each precinct. This varies from one to six. It seems preposterous that six persons should be employed to do work which is done elsewhere by a single person. The clerical work involved in taking registration can be done as well by one person as by four or six, provided suitable records are used.

A second factor is the salary paid to precinct officers. This also varies greatly. In Philadelphia, New York, and Detroit, it is ten dollars per day. From five to ten dollars per day is the salary paid in large cities, while in small cities and towns less than five dollars is paid. A third factor is the number of days on which registration is held in the precincts. New York City has each year a week of precinct sessions at the start of a new registration, and this is the only registration conducted during the year; in most states it is necessary for the precinct sessions to be held prior to each succeeding election and primary to take care of unregistered electors. It is quite common in the supplementary registrations for the precinct boards to register only a very few persons. They are required to be in session throughout the day with practically nothing to do. This makes the cost per person registered run extremely high. In Chicago

<sup>10</sup> New York City has registration only at the start of a new general registration, but a new registration is conducted every year and all of the work is done by the precinct officers.

from 1916 to 1923 the average cost of registration prior to intermediate elections and primaries was \$4.27 per voter.<sup>4</sup> At the registration prior to the city election of March, 1921, only 14,825 persons were registered in the entire city, or 6.6 to the precinct, at an average cost of \$12.81 per person. Detroit had a similar experience, and after it was found that the cost prior to intermediate elections sometimes ran as high as \$7.05 per registrant, precinct registration was discontinued, except at the start of a new registration every four years.<sup>5</sup> Central registration prior to intermediate elections has also been adopted as a measure of economy in the other cities of Illinois and in Seattle.

The number of days of precinct registration is determined in part by the number of elections held. Chicago has from two to five elections (including primaries) annually, while New York has only one election and one primary annually, and a number of states have no election at all in certain years.<sup>6</sup> In many states, after the completion of registration, the precinct officers are required to hold a session for revision and appeal in order to afford any citizen the privilege of challenging and to permit the challenged person to appear to defend his right to vote. Usually there are no challenges and there is no work to be done at the revision session. In Chicago the revision is held on the Saturday evening—from six until ten o'clock—following the registration on Tuesday and Wednesday of the same week. In the past, precinct registration boards frequently appeared with their supplies at the main election office at the city hall a few minutes after six o'clock and were permitted to check them in and receive their money. But within recent years they have been instructed to return to the precinct and to sit until ten o'clock, whether or not anyone appears.

<sup>4</sup> For a detailed table showing the cost of registration throughout this period, see a pamphlet issued by the Chicago Bureau of Public Efficiency, "A proposed system of registering voters," p. 18 (1923).

<sup>5</sup> Letter to the writer, August 1, 1923.

<sup>6</sup> There is no election in odd-numbered years in Oregon, and this is true in a number of other states.

A fourth factor in the cost of precinct registration is the number of registered voters per precinct. In Massachusetts it is common for the number to exceed one thousand, while in other states the average number is as low as two hundred. The average over the country is probably about four hundred." The size of the precinct is one of the principal factors determining the cost of elections and registrations.

**Printed Lists of Registered Voters.** In most large cities printed lists of the registered voters are required by state law. The cost of printing is considerable. From city to city it varies substantially, owing to a number of factors, such as the length of time within which the lists must be printed, the number of copies, and the political situation, as well as the varying cost of printing. The cost per registered voter in some of the larger cities of the country is indicated in the following table:

| City               | Cost per<br>registered voter<br>(cents) |
|--------------------|---|
| New York .....     | 6.0                                     |
| Boston .. .. .     | 15.8                                    |
| Philadelphia ..... | 8.1                                     |
| Chicago .....      | 4.5                                     |
| Cleveland .....    | 8.3                                     |
| San Francisco .. . | 7.3                                     |
| Milwaukee .....    | 1.8                                     |
| Cincinnati .....   | 4.8                                     |
| Columbus .....     | 16.0                                    |
| Rochester .....    | 4.5                                     |
| Kansas City .....  | 5.8                                     |

The cost is unusually high in Boston because the list contains the term of residence and the age and height of each voter.

"Mr. C. A. Crosser has compiled the number of registered voters to the precinct in some of the largest cities in 1924, as follows (quoted in Upson, Lent D., "Practice of municipal administration," p. 19):

|                     |     |                     |     |
|---------------------|-----|---------------------|-----|
| Detroit .....       | 711 | Rochester .....     | 488 |
| St. Louis .....     | 417 | Denver .....        | 457 |
| Cleveland .....     | 254 | Newark .....        | 397 |
| Minneapolis .....   | 519 | Seattle .....       | 323 |
| Kansas City .....   | 370 | Oakland .....       | 245 |
| Cincinnati .....    | 244 | Columbus .. .       | 229 |
| San Francisco ..... | 181 | Portland, Ore. .... | 211 |

In San Francisco the party affiliation is entered and the printed lists are bound in pamphlet form, which increase the cost. The very low cost in Milwaukee is due to the fact that the city owns the type and keeps the lists of registered voters set up from one election to another, making corrections only when a new list is to be printed.

The table does not tell the whole story. In some of these cities (Chicago, for example) printed lists are required before each election, while in other cities only one printed list is made annually or biennially. In odd-numbered years San Francisco prints only a supplement to the printed list of the preceding year, thereby greatly reducing the cost. New York City, on the other hand, prints also a separate list of registered voters who are enrolled in the political parties.

Most smaller cities and rural sections, as well as several large cities, do not provide printed lists of registered voters. The largest cities of the country which do not use printed lists include: Detroit, Baltimore, Omaha, Denver, and Portland (Oregon). In these cities it is believed that the use of printed lists does not justify the cost. In Baltimore the precinct boards prepare an extra copy of the register for each of the two major parties. In Omaha the Commissioner of Elections supplies at cost a typewritten list of registered voters to the party organizations. In other cities it is common for the political organizations to send workers to the election office to copy the list.

Printing the lists of registered voters is usually one of the largest items in the cost of registration. While the lists may be dispensed with altogether because of the cost, this is hardly wise for the large city, where they fill a real need and afford a substantial amount of protection. It is desirable to provide everywhere a list of registered electors for the use of the political party workers and the public, especially if this can be done at a reasonable cost. Milwaukee has reduced the cost by owning the type, as before stated. San Francisco and other cities have reduced the cost by printing the complete list only once in two years, and using supplemental lists for the other elections. In

*Atlanta* the lists are mimeographed at a cost of about one cent per name. This is a feasible method. In the cities of Wisconsin, outside of Milwaukee County, the city clerk prepares a typewritten list of registered electors, which is available for inspection at the city hall. In Madison the lists are prepared by photostating the trays of visible records which are used for registration at a cost of about one-fourth of one cent per name. This is the cheapest and the most satisfactory method. It is absolutely accurate; any number of copies may be made; and there is no problem of preparing a printer's copy. The lists may be turned out promptly after the close of registration.

**Records and Supplies.** The cost of records and supplies for registration is usually a small item. This is particularly true under systems of permanent registration with permanent records. In cities with periodic registration, especially annual systems, the cost of the precinct registers is an appreciable item. The cost of bound precinct registers, ranges from less than one dollar each in some places to \$9.75 each in Kansas City and \$8.45 each in Baltimore. It is interesting to note that in 1924 Kansas City paid \$4,053.50 for registers for 426 precincts, while St. Louis under the same law and with identical registration books paid \$2,799.94 for registers for 615 precincts. Substantial registers should not cost more than three dollars per volume; a higher cost indicates that the election office is paying too much or is buying an unnecessarily expensive product.

There are other miscellaneous supplies which have to be furnished, such as ink, pens, pencils, furniture, etc. Some election offices are economical in handling these accessories, while other election offices seem to believe that ink, pens, and pencils are made to be used only once, and make no effort to have them returned after the registration or election is completed.

A good system of registration records greatly lessens the amount of clerical work. The excessive cost of permanent registration in Boston is due in part to obsolete records. A faulty system of records, regardless of the original cost, is extremely



expensive. Loose-leaf or card records are far superior to bound volumes. Visible card records are the best type, and though the most expensive to install, are the most economical to operate.

**Different Types of Registration.** In a previous chapter it has been pointed out that permanent registration is much less expensive than periodic registration.<sup>1</sup> It is less expensive because the clerical work of taking the registration of the same voter over and over again every year is avoided, and the necessity for precinct sessions of registration is done away with altogether. In many smaller cities permanent registration is now carried on at an annual cost of less than ten cents per registered voter, while in the larger cities of Milwaukee, Minneapolis, St. Paul, and Portland (Oregon) the cost is only slightly over ten cents. In Omaha the cost is higher due to a cumbersome system of records, and in Boston it is as high as in annual registration cities, due largely to obsolete procedure and records. Annual registration is necessarily expensive because of the large amount of work to be done every year in making up a complete new registration, and because of the requirement of precinct sessions.

Detroit has the most economical system of periodic registration to be found in any large city of the country. The small cost in Detroit is due largely to the practice of conducting precinct sessions only at the start of the quadrennial registration, with central registration thereafter, and also to the small, efficient office force in charge of election administration, which is divorced from political machine control and the spoils system. The cost of registration in Detroit could, however, be halved by adopting permanent registration with a sound system of records and a suitable transfer procedure.<sup>2</sup>

The high cost of precinct registration has been discussed. Central registration can be conducted much more economically because the number of registration clerks can be adjusted to the amount of the work to be done, and they can be trained to do the work more efficiently and more quickly. The experience in vari-

<sup>1</sup> Chapter IV.

<sup>2</sup> The Michigan legislature enacted a permanent registration law in 1929, which will go into effect in 1932.

ous cities has been that it costs much less to register voters at the main office than in the precincts. Precinct registration is expensive enough at the start of a new registration when every elector is required to register, but thereafter, prior to succeeding elections, when only a few persons are to be registered in each precinct, the cost per person is absurdly high. In Chicago it has been as high as ten dollars per person registered.<sup>4</sup>

A sound transfer procedure for the elector who changes his address within the same city or county lessens greatly the clerical work of registration. If every elector who changes his residence is required to register again from his new address, and to have a complete new record made out, the process is fully as expensive as a new registration, and usually more so because of the work involved in cancelling the old registration. The clerical work involved in making a transfer is slight, for the old record is retained.

**Summary and Conclusions.** The conclusions to be derived from the foregoing discussion may be stated as follows:

1. The total cost of registration in most large cities is unnecessarily high. This is indicated by the wide variation in the cost between large cities. It is caused by complex and cumbersome systems and by political machine control of administration.
2. In many cities the overhead cost is excessive, due to a highly paid board of election commissioners.
3. In many cities where spoils politics dominates the election office the number of employees is out of all proportion to the amount of work to be done, and the cost of office administration absurdly high. This is indicated by the wide variation of the number of office employees in proportion to the number of registered voters.
4. Precinct registration is unduly expensive, and should be used as little as possible. In most registration systems it constitutes considerably more than half of the total cost of registration. The same work can be done in the central office, or at branch offices in large cities, much more economically.

<sup>4</sup> See page 248.

5. Printed lists of registered voters are unduly expensive. The list may be typewritten, mimeographed or photostated (if suitable visible records are used) at a fraction of the cost.
6. The cost of registration can be greatly reduced by the use of up to date records.
7. Permanent registration is the most economical type. It should be conducted at the central office (with branch offices where necessary), and should contain a sound transfer procedure.

## CHAPTER XI

### REGISTRATION SYSTEMS OF FIVE REPRESENTATIVE CITIES

This chapter contains an account of the registration systems of New York City, Boston, Milwaukee, Omaha, and San Francisco. Each of these cities has been selected because of certain outstanding features. New York is more or less typical of the old style of annual registration conducted by precinct officers, which is quite commonly found in our largest cities. Boston, Milwaukee, and Omaha have had successful permanent registration systems for fifteen years or longer, though each city has a different system. San Francisco has been included because of the unusual and suggestive method of conducting registration, as well as other strong features of the system.

**New York.** New York City has a system of registration which is very common throughout the United States. The main features of the system are: annual registration, conducted by precinct officers; the use of bound volumes as registers; a police check-up on the residence of registered voters; and bi-partisan administration. Similar systems of registration are to be found in Baltimore, Philadelphia, Pittsburgh, Buffalo, Rochester, Cleveland,<sup>1</sup> Cincinnati, Chicago, St. Louis, Kansas City, and many other cities. The system is expensive and inconvenient to the voter, but is supposed to be the most effective method of preventing fraudulent voting in large cities.

*Organization.* At the head of the machinery is a bi-partisan board of elections, consisting of four members. The method of appointment is unique, but indicative of the party organization domination of the administration. Appointments are made every

<sup>1</sup> A law providing for permanent registration will go into effect in Ohio in 1930.

two years by the board of aldermen upon nominations by the county committees of the two major political parties of New York and Kings counties. The only power which the board of aldermen has is to refuse appointment of a person thus nominated, which is never done. The real selection is made by the party organizations. It is significant, too, that three counties contained within the city—Richmond, Queens, and Bronx—are not at all represented.

Formerly appointments were made by the mayor. Mayor Gaynor refused to reappoint one of the commissioners upon the ground that he was incompetent and unfit, and the appointing power was taken out of the hands of the mayor at the next session of the legislature and given to the board of aldermen. The commissioner whom Mayor Gaynor refused to reappoint remained in office until his death. Two members of the board have been continued in office year in and year out, in spite of the fact that more than ten years ago both were declared to be unfit and incompetent in an official report to the mayor.

Each member of the board received \$8000 per year. The chairman devotes his entire time to the duties of the office, but the other members devote only a small amount of time. A former member was purely a pensioner and rarely attended the sessions of the board.

The legal powers of the board are large, for it has jurisdiction over elections and registrations and passes upon its own budget, but the actual powers are small, since the law is very specific on matters of detail and the party organizations really run the office. No important question of policy or patronage is passed upon by the board until the members have received orders from the organizations behind them. Appointments and removals of the office force under the board are strictly dictated by the party organizations.

There is an election office maintained in each of the five boroughs of the city, with a general office which maintains supervision over the borough offices and handles matters which are not strictly borough. There is a chief clerk in charge of each office.

There are eighty-five permanent employees, who are divided between the two major political parties. About half of the clerks are in the competitive class of the civil service of the city, and about half are in the exempt class. In filling vacancies occurring in the former, appointments are not made from an eligible list, but transfers are made from other departments. No eligible list for these positions exists. Appointments to the exempt positions are made by the board. In reality, appointments to all positions are made by the party organizations. The positions in the election offices are divided among the assembly district leaders, though not equally. When a clerk dies or resigns, the assembly district leader to which the position "belongs" gets busy and pulls wires to have another one of his "boys" put in the position. Length of service, ability, and meritorious service have nothing to do with promotion in the office. Promotion is determined by the machine, and it is quite common for an outsider to be brought in and placed over the older employees of the offices. The chief clerk of the Bronx borough office entered the service in 1923, and the chief clerk of the Queens borough office in 1924.

The compensation is high, as might be expected with the board having full power to fix the scale. The annual salary varies from \$5000 paid to the chief clerk of the general office to \$2000 for the lowest clerk. The average annual compensation of permanent employees is \$2692.35.

Extra help is employed to make up the enrollment lists after the fall election. It is divided equally between the parties, and the appointments are dictated by the organizations. The wage paid is five dollars per day. The cost of extra help was \$39,835 in 1925.

The four inspectors of election in each precinct serve as the registration board. The inspectors, needless to say, are divided equally between the two major parties and are named by the party organizations. New inspectors are required to take an examination before being appointed, but the examination is perfunctory. In Manhattan in 1925 some twelve hundred persons took the examination, out of a total of approximately six

thousand precinct inspectors, and only twenty-three, or less than 2 per cent, were failed. The examinations are given quite loosely, and there is some evidence that candidates have been tipped off beforehand.

The type of persons secured to serve as inspectors varies greatly in different parts of the city. No particular complaint against the inspectors is voiced by the civic organizations, though it is said that the Republicans do not secure *bona fide* representation in some of the Tammany districts. The Republican organization could remedy this by sending in persons from outside the precincts, since it is not required that the inspectors be residents of the precincts in which they serve, but this has not been done.

The inspectors are appointed for a term of two years. No data could be secured on the average length of service, or the turnover. The election office does not maintain any sort of personnel records of its precinct officers. A system of personnel records was started some ten years ago because of outside pressure, but was quickly abandoned.

The compensation paid to the inspectors is four dollars for each of the five evening sessions of registration, and ten dollars for the all day Saturday session. It is said by the organization men that this is too low, and that it is necessary for the organization to demand or beg the service of persons as inspectors, and sometimes to pay them an additional amount. Competent observers outside of the organization say, however, that the precinct positions are sought after and are used as party patronage, though the salary is not high enough to make them of much value as such. The organizations have not taken especially kindly to women for inspectors, only about 17 per cent of the total number being women.

*Records.* For each precinct there are four registers, consisting of the conventional bound volumes. One register is known as the signature copy, in which the voter signs when he registers; another register is called the election signature copy, in which the voter signs before he is permitted to vote at the general fall

election; a third copy is called the office copy, which is used to record the signature of the voter in the primary of the following year; and a fourth, or public copy, is posted at the polls after registration.

The registers contain thirty-three columns for the information about the voter. They do not contain a personal description of the voter, since the signature is used for that purpose. If the voter is unable to sign his name, he must answer a special set of questions known as an "identification statement." The same questions are asked of him at the polls, his answers recorded, and then a comparison is made with the "identification statement." This is used to identify the voter who is unable to sign. When the voter registers for the first time in the precinct he is supposed to give the name and address of his employer, but the precinct officers often neglect this requirement.

Two separate lists of registered electors are printed. One includes the names of all registrants, arranged in street order. This is printed within a week after the close of registration. It is not posted, but is sold at a nominal price of twenty-five cents per copy for an assembly district. After the general fall election a list of "enrolled voters" who have declared their party affiliation is printed. This list is sold at from \$1.50 to four dollars per copy for assembly districts, depending upon the number of registered voters. Free copies of the street lists and the enrollment lists are given to the party organizations.

After the close of registration, the public copy of the register is posted at the polls, the office register is turned over to the police to return to the election office, and the other two copies are kept by the precinct inspectors until the day of the election. One of these copies in the hands of partisan precinct inspectors is the signature copy. This feature of the law is much criticized. It is dangerous to leave the registers in the hands of the precinct inspectors between the days of registration and election. No case of tampering or other illegal use of the registers has been proved, but the law in this regard is unwise.



*Procedure.* Registration is conducted in each precinct during the week beginning on the 29th day prior to the November election. Evening sessions from 5 until 10.30 o'clock are held from Monday until Friday, and on Saturday registration is conducted all day. Approximately half of the precinct registration places are located in school buildings, and other the half in rented shops. New York has an admirable law permitting the use of school buildings not only for the precincts in which they are located, but also for contiguous precincts. In 1925 there were 1439 polling places held in 584 public school buildings, or slightly more than four to each school building.

Registration is conducted at the central office for each borough only before special elections and primaries. There is no registration in the precincts before these elections. The number of persons who register at the central offices is negligible. The registers used at the primary contain the names of many voters who have died, or removed since the registration of the preceding year. Little thought is given to the fact that the registration lists for the primary are quite defective, since contests in the primary are uncommon.

A new general registration is held every year, at which every voter is required to register in person. The law provides that the precinct inspectors shall elect one of their number chairman, but the chairman is only one among equals. If an inspector is absent, some other qualified voter of the same party is sworn in to serve. No oath is administered to the applicant for registration, but he is required to sign his name below a statement that "the foregoing statements are true." Each of the four registration officers has charge of a register. Elaborate provisions are made for challenging registration at the precinct sessions, but no provision is made whereby a registration may be challenged after the close of registration, except at the polls.

New York has recently adopted a literacy test for voting. It applies only to voters who have become qualified since 1922. It was feared that the provision would become a nullity if administered by the registration boards, so the administration

of the test was placed in the hands of the school authorities. The new voter, registering for the first time, is required to present a diploma from a graded school or a higher institution, or to go before the school authorities to take a literacy examination. The system places an additional and unnecessary inconvenience upon the voter.

The law provides that the naturalized citizen shall produce a record of his naturalization, or prove to the satisfaction of the precinct registration officers that he has been naturalized. Naturally, what constitutes the satisfaction of the registration officers varies from precinct to precinct, but it is not probable that any degree of strictness is secured in requiring the production of naturalization records.

*Correction.* New York City has a system of checking up on registration which, in some ways, is quite unusual. After each registration the police department makes a half-hearted house-to-house canvass of registered voters, but accomplishes very little by it. In 1924, out of a total of 1,500,006 registered voters, the police challenged upon the basis of the canvass, only 1309 voters, or less than one in a thousand. It is safe to assume that the police canvass is anything but thorough. Coming immediately after a new general registration, it is regarded as perfunctory.

Prior to each registration the election office prepares a challenge list for each precinct, consisting of the names of persons who have been reported as having moved or died. The challenge lists usually contain about one hundred thousand names. It is said that the precinct officers make little or no use of the lists, and consequently they are of no value.

Every keeper of a lodging house, boarding house, or hotel is required to file with the board of elections at the start of a registration a report,

containing a detailed description of the premises used as such hotel, lodging house, boarding house, or rooming house . . . and the names of the guests or lodgers therein . . . who claim a voting residence . . . together with the length of time they

have been regularly lodging or living therein, the beginning of such residence, the color, age, height, weight, color of hair, marks on face or hands, the complexion and any distinguishing marks or features of face or body, whereby such persons may be identified, the place of their nativity, the occupation and place of business of such persons, and the room occupied by each such person, and whether such person is a guest, lodger, keeper, owner, lessee, or otherwise, and the signature of each such person.<sup>2</sup>

A more strenuous lodging house report requirement would be hard to find. As far as it is used, it is effective. It is said to have practically stopped voting from many transient lodging houses and cheap hotels which formerly yielded a large harvest of fraudulent voters. The statistics on the reports indicate that only a small number of the keepers of such places comply with the law. In 1925 there were only 3947 reports, including only 22,430 names, filed for all of New York City. Obviously this includes only a small portion of the lodging houses of the city.

Formerly there were wholesale registration and voting frauds in New York City, and the outsider generally assumes that such continues to be the case. The comparative statistics of registration by assembly districts indicates that there is a substantial amount of padding of the registration lists in the worst sections of the city, with consequent fraudulent voting, but the situation is not as bad as in a number of other large cities of the country. The political organizations have become somewhat reformed. The use of the signature to identify the voter at the polls is a powerful deterrent to voting frauds.

Another factor which has deterred voting frauds has been the prosecution of election cases. In many cities of this country no real prosecution of election frauds can be secured. In New York City, however, the contrary has been the case. If the local prosecuting attorney fails to prosecute election cases, the attorney general of the state may step in and take over the

<sup>2</sup>Sec. 61, Election Law, New York.

prosecution through his own deputies. This has had a very wholesome effect.

*Cost.* Because of the system of annual general registration conducted in every precinct, the cost of registration is high, but in comparison with some other cities having annual registration, it is relatively low. There is but one registration period for each year, while some other cities have registration periods before each election and primary.

The following table, showing the cost of registration in 1925, is taken from the report of the board, with a few items secured from the financial records of the office. The cost from year to year is about the same, though the cost per registered voter is less in presidential election years, owing to the larger registration.

*Estimated Cost of Registration in New York City, 1925*

| Code No.  | Item   | Percent charged to registration | Amount              |
|---|--|---------------------------------|---------------------|
| 175   | Salaries, regular force.....                       | 50                              | \$129,539.60        |
| 177   | Salaries, temporary force.....                     | 100                             | 39,835.00           |
| 178   | Salaries, precinct inspectors in registration .... | 100                             | 369,000.00          |
|   | Printing enrollment lists.....                     | 100                             | 46,720.00           |
|   | Printing street lists (estimated) .....            | 100                             | 75,000.00           |
| 180   | Equipment ..                                       | 50                              | 8,110.00            |
| 181   | Repairs and replacements.....                      | 50                              | 14,286.56           |
| 182   | Transportation .....                               | 50                              | 15,470.08           |
| 183   | Telephone service ..                               | 50                              | 511.41              |
| 184   | General plant service.....                         | 50                              | 5,812.44            |
| 185   | Contingencies .....                                | 50                              | 1,915.88            |
|   | Rent for registration..                            | 100                             | 66,705.50           |
|   | Janitor service in school buildings..              | 100                             | 35,404.50           |
|   | Advertising registration ..                        | 100                             | 84,390.92           |
| Total ..  |  |                                 | <b>\$892,731.89</b> |
| Receipts from the sale of printed lists of voters.... |  |                                 | <b>5,934.00</b>     |
| Net Total .....                                       |  |                                 | <b>\$886,797.89</b> |
| Cost per registered voter (1,234,119).....            |  |                                 | <b>71.8 cents</b>   |

*Statistics on Registration and Voting.* A statistical study of registration and voting indicates two outstanding facts: first, the percentage of potential voters registered is low, ranging

from 41 to 56 per cent, in spite of the hotly contested election; and second, in Manhattan there is a suspiciously high percentage of potential voters registered in the worst sections of the city. The normal curve of registration from the poorest sections of the city to the wealthiest sections is from low to high, with usually a wide variation between. In Manhattan the highest percentage of registration is found in the slums of the city. The Fourth and Sixth assembly districts have 93 and 89 per cent, respectively, of the potential male voters registered, while the wealthiest assembly district of the city, the Fifteenth, has only 70 per cent registered. A registration of 93 per cent of the potential voters is suspiciously high for any district, especially for a transient district. It indicates padded registration on a substantial scale.

*Percentage of Eligible Voters Registered in Manhattan and Brooklyn Boroughs, 1920, by Assembly Districts\**

Group 1. Slums; poorest section of the city, harbor front; downtown; boss-controlled

| Manhattan         |      |        |       | Brooklyn          |      |        |       |
|-------------------|------|--------|-------|-------------------|------|--------|-------|
| Assembly district | Male | Female | Total | Assembly district | Male | Female | Total |
| 1 .....           | 57   | 37     | 50    | 3 .....           | 55   | 37     | 65    |
| 3 .....           | 63   | 38     | 49    | 4 .....           | 73   | 36     | 55    |
| 2 .....           | 71   | 26     | 53    | 14 .....          | 73   | 32     | 54    |
| 8 .....           | 77   | 36     | 60    | 15 .....          | 75   | 37     | 57    |
| 6 .....           | 89   | 53     | 72    | 6 .....           | 78   | 39     | 58    |
| 4 .....           | 93   | 51     | 72    | 23 .....          | 72   | 37     | 58    |
| Averages ..       | 75   | 40     | 59    | Averages ..       | 72   | 37     | 58    |

\* For detailed statistics upon which this table is based, see Appendix 1.

## SYSTEMS IN FIVE CITIES

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*Percentage of Eligible Voters Registered in Manhattan and Brooklyn Boroughs, 1920, by Assembly Districts—Continued*

Group 2. Poorer; industrial section; largely machine controlled; foreign

| Manhattan         |      |        |       | Brooklyn          |      |        |       |
|-------------------|------|--------|-------|-------------------|------|--------|-------|
| Assembly district | Male | Female | Total | Assembly district | Male | Female | Total |
| 21 .....          | 50   | 34     | 40    | 1 .....           | 51   | 38     | 45    |
| 19 .....          | 56   | 34     | 45    | 19 .....          | 71   | 33     | 53    |
| 5 .....           | 64   | 33     | 49    | 22 .....          | 77   | 41     | 59    |
| 12 .....          | 65   | 36     | 50    |                   |      |        |       |
| 13 .....          | 67   | 39     | 51    |                   |      |        |       |
| 20 .....          | 68   | 31     | 50    |                   |      |        |       |
| 14 .....          | 70   | 34     | 52    |                   |      |        |       |
| 18 .....          | 73   | 34     | 54    |                   |      |        |       |
| 16 .....          | 76   | 67     | 56    |                   |      |        |       |
| 17 .....          | 80   | 39     | 61    |                   |      |        |       |
| Averages . . .    | 67   | 36     | 51    | Averages ..       | 67   | 37     | 52    |

Group 3. Better; middle class residential

|                |    |    |    |             |    |    |    |
|----------------|----|----|----|-------------|----|----|----|
| 10 .....       | 60 | 40 | 50 | 8 .....     | 65 | 29 | 47 |
| 7 .....        | 63 | 41 | 51 | 10 .....    | 67 | 45 | 55 |
| 11 .....       | 66 | 42 | 47 | 7 .....     | 70 | 36 | 52 |
| 9 .....        | 69 | 44 | 56 | 17 .....    | 70 | 48 | 57 |
| 22 .....       | 71 | 43 | 56 | 13 .....    | 72 | 29 | 51 |
| 23 .....       | 73 | 45 | 58 | 11 .....    | 73 | 47 | 60 |
|                |    |    |    | 20 .....    | 73 | 38 | 54 |
|                |    |    |    | 5 .....     | 75 | 46 | 59 |
|                |    |    |    | 12 .....    | 76 | 47 | 61 |
|                |    |    |    | 16 .....    | 79 | 46 | 64 |
|                |    |    |    | 2 .....     | 82 | 48 | 66 |
| Averages . . . | 67 | 43 | 53 | Averages .. | 73 | 42 | 57 |

Group 4. Aristocratic residential; wealthiest

|                |    |    |    |             |    |    |    |
|----------------|----|----|----|-------------|----|----|----|
| 15 .....       | 70 | 43 | 55 | 9 .....     | 73 | 43 | 58 |
|                |    |    |    | 21 .....    | 80 | 52 | 65 |
|                |    |    |    | 18 .....    | 81 | 48 | 56 |
| Averages . . . |    |    |    | Averages .. | 78 | 48 | 60 |

## REGISTRATION OF VOTERS

*Registration and Voting in New York City Since 1901*

| Year      | Eligible voters | Registered voters | Percentage of eligible voters registered | Votes cast | Percentage of eligible voters voting | Percentage of registered voters voting |
|-----------|-----------------|-------------------|--|------------|--------------------------------------|--|
| 1901..... | 754,862         | 614,136           | 82                                       | .....      | .....                                | .....                                  |
| 1902..... | 773,538         | 593,091           | 77                                       | .....      | .....                                | .....                                  |
| 1903..... | 792,214         | 626,455           | 79                                       | .....      | .....                                | .....                                  |
| 1904..... | 810,890         | 653,258           | 81                                       | .....      | .....                                | .....                                  |
| 1905..... | 829,566         | 643,835           | 78                                       | .....      | .....                                | .....                                  |
| 1906..... | 848,242         | 659,164           | 78                                       | .....      | .....                                | .....                                  |
| 1907..... | 866,918         | 591,567           | 68                                       | .....      | .....                                | .....                                  |
| 1908..... | 885,594         | 682,161           | 77                                       | .....      | .....                                | .....                                  |
| 1909..... | 904,270         | 643,441           | 71                                       | 618,073    | 68                                   | 96                                     |
| 1910..... | 923,047         | 617,450           | 67                                       | 574,073    | 62                                   | 94                                     |
| 1911..... | 952,173         | 617,173           | 65                                       | .....      | .....                                | .....                                  |
| 1912..... | 981,299         | 705,407           | 72                                       | 663,608    | 68                                   | 94                                     |
| 1913..... | 1,000,425       | 667,619           | 67                                       | 629,633    | 63                                   | 94                                     |
| 1914..... | 1,029,551       | 660,036           | 64                                       | 599,675    | 58                                   | 91                                     |
| 1915..... | 1,058,677       | 667,959           | 63                                       | 626,524    | 59                                   | 94                                     |
| 1916..... | 1,087,803       | 738,349           | 68                                       | 714,657    | 66                                   | 97                                     |
| 1917..... | 1,116,929       | 695,999           | 63                                       | 691,437    | 62                                   | 99                                     |
| 1918..... | 2,330,000       | 1,015,148         | 44                                       | 961,437    | 41                                   | 94                                     |
| 1919..... | 2,390,000       | 1,078,168         | 45                                       | 999,147    | 42                                   | 93                                     |
| 1920..... | 2,443,424       | 1,373,546         | 56                                       | 1,315,677  | 54                                   | 96                                     |
| 1921..... | 2,520,000       | 1,262,340         | 50                                       | 1,196,942  | 48                                   | 94                                     |
| 1922..... | 2,600,000       | 1,179,842         | 45                                       | 1,121,534  | 43                                   | 95                                     |
| 1923..... | 2,680,000       | 1,105,016         | 41                                       | 1,031,693  | 39                                   | 93                                     |
| 1924..... | 2,760,000       | 1,500,006         | 54                                       | 1,444,588  | 52                                   | 96                                     |
| 1925..... | 2,840,000       | 1,234,119         | 43                                       | 1,161,097  | 41                                   | 94                                     |

*Summary.* The registration system of New York City is expensive, inconvenient to the voter, tends to deter registration, and is not very effective in preventing frauds. The whole system is obsolete. This type of registration, which is used in large cities throughout the country, is designed to produce party patronage rather than to prevent voting frauds. Sound and economical administration of registration and elections cannot be secured through party machine control.

The best feature of the system is the use of the signature to identify the voter. Without this provision it is safe to assume that wholesale voting frauds would still be carried on. The

other principal safeguard against voting frauds is the fact that registration is conducted anew every year. Expensive as this is, and inconvenient to the voter, until the city can be assured of a vigorous administration of elections, it is wise to retain annual registration.

**Boston.** The city of Boston has had permanent registration longer than any other large city of this country, the present system of registration dating from 1896. Even before that time, however, Boston had permanent registration. The system has been so successful that public officers and others interested in improving registration, or in securing permanent registration, have gone to Boston to study the system.

Registration in Boston is unique in several ways. The outstanding merit of the system is the convenience to the voter, who, once registered, is not required to register again as long as he continues to reside in the city. When he moves he is automatically transferred from one address to another without any bother on his part. This is accomplished through a listing of all adult residents annually. Elections are practically free from voting frauds. However, the system of registration, while convenient to the voter and free from voting frauds, is not economical in its operation, owing to the use of an obsolete system of records.

*Organization.* At the head of the election and registration machinery is an Election Commission, consisting of four members, divided equally between the two major political parties, and appointed by the mayor for overlapping terms of four years. Appointments are largely personal with the mayor, instead of being dictated by the party organizations. The election office is not run by the party machines, as is the case in most other large Eastern cities. The mayor is not required to appoint from party machine nominations.

The chairman of the board receives a salary of \$6000 annually, and the other members are paid \$5000. All of them at present devote practically their entire time to the duties of the office, though this is not required by law, and the full time



attendance of the members of the board is not especially desirable. The chairman ' has served continuously on the board since 1900, and was connected with the office for some years prior to that time, but the other members were only recently appointed.

The board has wide powers. In many matters such as the time and place of registration outside of the central office, it has full discretion. The members also serve as jury commissioners, and select the jury panels.

There are forty-four permanent employees in the election office, but there is no chief clerk or outstanding person in charge of the routine of the office. There are five clerks of a supervisory character, but each of them has charge of a department, the board itself supervising the entire office. The office force is now selected through the merit system, though there is still the requirement of equal division between the two major political parties, and appointments are made from the three highest persons on the eligible list of the political party which is entitled to the next appointment. Some of the present employees were brought into the service before the extension of the merit system to the office.

The salary scale of the office force is fixed by the city council, and is comparatively low. There are three positions paying \$2700 annually, two paying \$2500 annually, and the remaining positions pay \$2000 annually or less. The entrance salary is \$1500 annually with an automatic annual increase of \$100 up to a salary of \$2000, but there is no further increase except through promotion to one of the supervisory positions. The permanent office force does all of the work of the office, the amount of extra help employed being negligible.

Two assistant registrars are appointed for each of the twenty-two wards, who serve during the ten evening sessions for registration in the wards. They are divided equally between the two major political parties. Appointments are made largely upon the personal request of the members of the board. The compensation paid is five dollars per evening.

' At the time the survey was made, January, 1926.

*Records.* The system of registration records is obsolete and clumsy, and requires a large amount of clerical work in the central office. Strangely enough, the original registration record itself is about the least important part of the system. When the voter registers, the record is entered in a large bound volume. The volumes are not kept by precinct, but by wards, and at any particular time there is a number of volumes, or registers, for each ward. Registrations are recorded in the order of the appearance of the voter. The registers are of the conventional type, with the record of the voter spread upon a line running across two pages, and recorded in columns. The information consists of the following: date, precinct, line no., page, name, signature, residence on April 1st, other designation of residence, occupation and place of business, place of birth, term of residence in the city, age, height, and present residence.

After the registration is made the information is copied on a card, which contains headings and spaces for the identical data. No further use is made of the original register, except in rare instances where some legal question arises about the registration of a voter. The registers are kept in the main office of the election board and are never sent out to the polls on the days of election. No use whatever is made of the signature contained on the original registration record. When registration is conducted in the ward offices, one or two volumes of the ward register are sent out, but there are also other volumes for each ward kept at the central office so that the voter may register at either place.

The most important registration record consists of the printed list of voters for each precinct, which is used as the precinct register at the polls. Each year the central office makes up a street list of voters for each precinct, which is printed and constitutes the precinct register. There are two types of printed lists, known respectively as the "descriptive" and "non-descriptive" lists. The "descriptive" list contains the name, address, party affiliation, term of residence in the city, and age and height of the voter. The "non-descriptive" list is

printed from the same type, but before being bound, the items of length of residence, age, and height are cut off. The "non-descriptive" list is the one that is made available for public distribution, and the "descriptive" list is used at the polls as the official register.

These lists each year are prepared by taking the printed lists of the preceding year and correcting them up to date. The printed lists of the previous year are pasted into a set of large books prepared for the purpose, and corrections are made by erasing the names of voters whose registrations have been cancelled and by making notations to take care of new voters and transfers. The office does not maintain any official registration record arranged in the same order as the printed list of registered voters. The original register is entirely unworkable, except simply as a record of registrations which have been made. The registration cards made out for each voter are arranged alphabetically for the entire city, and thus constitute an index of the registered voters, but the cards are not withdrawn for cancelled registrations, and the index contains much dead weight. It is of little use, except as a history card. The voting record of every voter is recorded on the card, which takes up the time of the office force during the slack season.

*Procedure.* Registration is conducted at the main office of the board throughout the year, except twenty days prior to an election, when it is closed. During the slack months the board has restricted registration to Mondays only. For about ten days prior to the close of registration evening sessions are held in the various wards from six until ten o'clock. The sessions are moved around to several different places in the ward during the period. It is estimated that about 30 per cent of the total new registrations are taken in the wards and the remainder at the central office. The ward registration is conducted almost exclusively in school buildings.

There is no absentee registration. Since registration is permanent and may be made practically throughout the entire year at the main office, it is not necessary. *Massachusetts has a*

literacy qualification for voting, which has been in effect since 1857. The applicant for registration must prove his literacy by reading an excerpt from the state constitution, printed on cards for the purpose. No difficulty is encountered in administering the literacy test, either at the ward offices or at the main office. Naturalized citizens are required to produce a record of their naturalization.

*The Police Listing.* The most interesting and suggestive feature of the registration system of Boston is the system of listing all adult residents during the first week of April of each year, which is done by the police. This takes the place of the canvass of registered voters used in other large cities. The police listing really amounts to a census of all residents over twenty years of age.

Most of the work is done by the day patrolmen, though some of the night patrolmen are also assigned to the work. Each patrolman is assigned certain territory, which frequently falls within his own beat. He is required to go from house to house to make a list of all adult residents. Each resident is listed upon an individual card, which contains spaces to record the name, address, address on April first of the preceding year, probable age, suite no., male or female, name and address of informant, and number of the officer. A remarks space is provided for additional notations. The patrolman is required to secure the information from some responsible person from every house or suite, where possible, but he is not required to see each resident in person.

The work is thoroughly systematized and checked. A master file of green cards has been prepared, covering every building in the city. These cards are checked out to the patrolmen, and reports are required for each building. Each census is made anew, without any regard to the listing of the preceding year. The supervisory police officers check in the resident and building cards and inspect them at the time to see that they are filled in properly. Lieutenants or sergeants are as-

signed to cover lodging houses or places where difficulty is anticipated in making the listing.

The listing is usually completed within a week. The time required to conduct the listing in 1924 is indicated below:

*Number of Policemen Employed in Listing\**

|                            |       |
|----------------------------|-------|
| April 1.....               | 1,288 |
| 2.....                     | 1,260 |
| 3.....                     | 1,106 |
| 4.....                     | 705   |
| 5.....                     | 333   |
| 7.....                     | 14    |
| 8.....                     | 4     |
| <hr/>                      |       |
| Total policeman-days ..... | 4,712 |

After the listing is completed, the cards are assorted by streets and numbers and turned over to a private firm to have two longhand written copies prepared. One copy is sent to the printer and "A List of Residents" is printed for each precinct. The other copy is used by the election office to check against the registration list.

All registered voters who are listed at the address from which they are registered are continued on the registration lists. The registration of voters who have moved is transferred to the new address without any request from the voter. Eighty-six per cent of the registered voters are retained on the registers after the listing is made. Voters who are not listed are notified through the mails, and after sufficient time has passed, their registration is cancelled.

The listing of adult residents is also used to check up on the residence of newly registered voters. Before any applicant is registered the list of residents is inspected to ascertain whether the applicant has been listed. A person who has not been listed is required to make an application for special listing, and these applications are turned over to the police for investigation. In 1924 some nine thousand persons were thus listed upon special application. Some of these were missed in

\* Report of the Police Commissioner, 1924, p. 15.

the regular listing, while others moved into the city after the date of the census.

The advantages of the police listing, as used in Boston, over the conventional canvass of registered voters made by the precinct election officers, are: first, it is made by responsible officers, who are subject to discipline, and have a position to lose for failure to perform the work; second, it is closely supervised; third, the patrolmen are not selected by and subject to the orders of the precinct party captains; fourth, the system of making a census of all adult residents makes possible an easy check upon the completeness and accuracy of the work of the field officers; and fifth, it makes possible the automatic transfer of the registration of voters who have moved.

No charges of partisanship are made against the police department. In some cities it might be unwise to place this work in the hands of the police, but in Boston it works very well. The system of listing all adult residents may be employed with other officers, however, without the use of the police.

*Cost.* The cost of registration in Boston is high in comparison with other cities having permanent registration. The largest item is that of the office force. The obsolete system of permanent records makes it necessary to have a large office force to perform the clerical work involved. The cost of registration alone in 1924 was \$143,739.36, or fifty-eight cents each for the 247,636 registered voters, while the cost of the police listing, exclusive of the time of the patrolmen, was \$61,936.32, or 25.8 cents per registered voter. The total annual cost of registration and police listing per registered voter in 1924 was 83.8 cents. There is only a slight variation from year to year.

This is an unusually high cost for a system of permanent registration. Most other large cities with permanent registration have an average annual cost per registered voter of from ten to twenty-five cents. The principal items of the cost of the police listing are the preparation of the printer's copy and the printing of the lists, which might well be eliminated. The printed lists of residents are of little use in registration.

*Fraudulent Voting.* There are no charges of fraudulent voting in Boston, not even in the lodging house, transient section of the city. There are two explanations which may be offered: first, party machines, in the ordinary sense of the word, have broken down in Boston, except in three wards which are controlled by strong ward leaders; second, the system of police listing effectively cleans up the registration and prevents voting frauds. Both factors undoubtedly play a part, as well as a tradition which frowns upon voting frauds.

*Summary.* The best feature of the Boston system of registration is the police listing. It is more useful and more thoroughly done than the usual canvass of registered voters, and is more effective in preventing padded registration. The police are not charged with partisanship in making the listing. Another good feature is the automatic transfer of the registration of voters upon the basis of the census, without the voter having to send in an application for a transfer or attend to the matter in person. This makes it possible for the average voter to forget all about registration after having once registered within the city, regardless of how much he may move. This system affords the highest amount of convenience to the voter.

Permanent registration in Boston is expensive due to the obsolete system of records and the unnecessary expenses of the police listing. The obsolete records are also inadequate for the use of the office, and make it impossible for the original record, including the signature, to be sent to the polls to identify the voter. These are the most serious defects of an otherwise excellent system.

**Milwaukee.** Milwaukee has a system of permanent registration for voting, conducted at the central office throughout the entire year. It is effective in preventing fraudulent voting, affords a maximum of convenience to the voter in keeping registered, and is conducted at an almost nominal cost. The results of the system are that fraud in elections is now almost unknown, a high percentage of the potential voters are on the registration records, and the taxpayer is not burdened with an expensive system.

*Organization.* The present system of registration was installed in 1912. At the head of the system is the Board of Election Commissioners, consisting of three members appointed by the mayor for a term of three years, with overlapping terms. The state law provides that three, instead of two as is usually the case, political parties shall be represented on the board. This provides representation for the Socialist Party, as well as for the Democratic and Republican parties. One of the most significant features of the administration of elections in Milwaukee is the tri-party representation, which has a very salutary effect.

The responsibility for the appointment of competent election commissioners rests squarely upon the mayor, though he may not appoint a representative of any party on the board until the party affiliation has been certified by the chairman of the city central committee of the party. In practice, the party leaders submit names or nominations to the mayor, but the mayor may refuse to appoint from any specific list and demand more names, which has been done. Two of the members of the present board have served since 1916, and the third member since 1919. A custom has grown up to reappoint the incumbent in office, if he seeks reappointment. Only one incumbent in the history of the board has been denied reappointment.

The permanent office force in charge of registration and elections consists of a secretary and an assistant secretary. The whole of election matters for one hundred and seventy-seven thousand voters is handled by only two men, with an additional clerical force prior to elections. The secretary and his assistant are both under the city civil service system, and are not subject to political dictation and removal. They take no part in politics, even refusing to sign nominating petitions or to align themselves with any political party or faction. The secretary has been in charge of election affairs since 1894, having been first assistant city clerk prior to the creation of the present election board.

*Procedure.* All registrations, with a few minor exceptions, are conducted at the central election office in the city hall. The election board has the power to set up branch offices in various



parts of the city, but this has not been done except when new additions have been taken into the city and the voters registered for the first time. When a voter is once registered, he is registered for life or for as long as he continues to reside in the city, and is not required to make a second trip to the election office. If he moves from one part of the city to another or changes his address, he is required to transfer his registration, but he may do this simply by sending in a transfer request to the election office by mail or otherwise, giving his old and new addresses, and signing his name. The election office compares the signature with that on file, and unless some doubt is raised about the identity, transfers his registration to his new address without further ado. Prior to the closing of registration the newspapers of the city run blank transfer forms, and the election office distributes through the political workers and others regular blank transfer request cards, but the voter is not required to use these forms. He may write a letter or a postal card to effect a transfer of registration.

The voter may register any day in the year that the election office is open. He may even register after the closing date for a particular election, though registration at such a time does not take effect until the following election. Voters in Milwaukee, however, are like voters everywhere, and do not attend to registration until an election is almost at hand. The bulk of registration comes within the last two weeks prior to the closing date for a given primary or election. Practically no voter ever comes to the office to register or to transfer registration, except during a campaign.

The election office is open for registration until the last Tuesday night before an election or primary. During the last two weeks of registration the office remains open until nine o'clock in the evening to accommodate voters who cannot come to the office during the day. In the final rush, registration is moved down from the election office on the second floor to the large corridor on the first floor of the city hall.

*Records.* The registration record of Milwaukee is very simple. It consists of an individual card for each voter, four by six inches in size. The information required for registration is comparatively meager. The voter is not asked to state his age, occupation, weight, color of hair, employer, etc., *ad infinitum*. The signature is relied upon as the means of identification on the day of election, and the questions on the registration card cover only the essential qualifications for voting. Most of these questions may be answered simply by "Yes" or "No." The only difference between the cards for men and women is the color.

The registration cards are filed in precinct boxes, arranged in order by streets and house numbers. There is only one file of registered voters maintained, and this file is sent to the precincts on the day of election, without being locked, bound, or in any other way protected against tampering.<sup>9</sup> The cards are loose in the box and may be taken out by the election officers on the day of election to be scrutinized. It is a significant commentary on the purity of elections in Milwaukee that these registration records have never been tampered with in the history of the office.

*Checking Up Registered Voters.* A house-to-house canvass of all registered voters is made by the police force of the city prior to every important election, in order to check up on the residence. This is not prescribed by law, and it is discretionary with the election commissioners whether a canvass shall be conducted prior to a particular election. In practice, no canvass is made prior to special and minor elections.

The police canvass is made from four to six weeks before the day of election, and a supplementary canvass of voters who have registered or transferred registration after the regular canvass, is made on Monday before the day of election, when the patrolmen are assigned to canvass their own beats, irrespective of precinct lines. Many of the patrolmen are acquainted with a large part of the people living on their beats, and it is generally thought that the police canvass serves to increase this personal contact, which is valuable to the policeman.

<sup>9</sup> At the last several elections the registration cards have not been sent to the precincts

The patrolman is responsible for the accuracy of the canvass which he makes. He signs the canvass book, and if he has been negligent or corrupt in making the canvass, he is subject to police discipline or removal. No special attempt is made by the police department to educate the police force in the technique of making the canvass, but the instructions on the canvass book cover the necessary information concerning the qualifications for voting, the procedure of registration and transfer of registration, and the form for making the police report. The police department feels that the patrolman needs no special instructions about how to go about checking the residence of the registered voters, since his daily duties bring him into contact with people under somewhat similar circumstances. As one captain of the police force put it: "Checking up the registered voters is just the same as checking up dogs for dog licenses."

The police canvass is very efficiently and thoroughly done. This is to be accounted for largely by reason of the fact that Milwaukee has an efficient police force, which is exceptionally removed from political interference. When the police reports are turned in to the election office, the names of voters who are reported as dead or moved are taken from the live files of registered voters and cancelled. In cases where the policeman reports that a registered voter has moved from one address to another within his beat, the registration is transferred to the new address, but the policemen are cautioned before making the canvass not to report the new address of registered voters unless it is on their own beat, and they can check up on the residence of the voter at the new address.

*Precinct Lists of Voters.* After the police canvass is completed, precinct poll lists of the voters in each precinct are printed, and twenty-five copies posted by the police department in each precinct. These lists for each precinct are arranged by

streets and house numbers, instead of alphabetically. They are posted in the precincts about a week before the close of registration, and a voter may inspect the list to ascertain whether he is registered, or the list may remind him that he has failed to transfer his registration. If he is not properly registered, he

still has time to attend to it. People are curious about their neighbors, and scrutinize the list to satisfy this curiosity. This serves to deter fraudulent registration. There is always the danger that a neighbor may report a suspicious case to the election office. Actually, the number of reports of this kind to the election office is very small, but it is generally thought in Milwaukee that the posting of the list is a salutary precaution against fraudulent registration. It is also quite probable that the posting of registration lists of voters has some effect in encouraging registration. Additional copies of the precinct poll lists are kept in the election office, and are supplied free to political workers and others, and used at the polls on the day of election.

When a voter applies to vote at the polling place on the day of election, two of the judges look up his name on the printed precinct list, and if his name is found, he is given a certificate, initialed by the judges. The certificates are simply slips of paper with a space for the initials of the judges, and bearing a serial number, beginning with 1 for each precinct. The number on the certificate is recorded by the judges opposite the voter's name on the printed poll list, and at the close of election these two printed lists serve as the poll lists for the election. If any question arises concerning the qualification of the voter, the election officers use the original registration record, and may require the voter to identify himself by a comparison of the signature with that on the registration card. Before the time when the signature was used in this way to identify voters, impersonation was very common in Milwaukee, but in recent years it has practically disappeared.

*Handling Unregistered Voters.* The weakest feature of the Milwaukee registration system is the provision for "swearing in" the votes of unregistered electors on the day of election. Under an early decision of the supreme court of the state, the voter has the right to prove his qualifications to vote on the day of election.<sup>7</sup> Accordingly, the registration law provides that

<sup>7</sup> *State v. Baker*, 38 Wis. 71 (1875); *Dells v. Kennedy*, 49 Wis. 555 (1880).

an unregistered elector may "swear in" his vote by making an affidavit and taking oath before a notary, substantiated by the affidavit of two freeholders of the precinct. This provision is not used to any large extent in Milwaukee, for the procedure is difficult, but in hotly contested elections as many as fifty or sixty voters may be "sworn in" in a single precinct. In a hotly contested aldermanic race in a recent municipal election, 329 voters were "sworn in" in one ward, which had only 4796 registered voters. Both sides combed the ward on the day of election for possible voters, brought them to the polls, and provided the necessary freeholders. This, however, was a highly exceptional case. The number of voters "sworn in" to the precinct will average less than one for the entire city. Many precincts never have a single voter "sworn in."

The provision for "swearing in" the voter on election day is dangerous, for it breaks down at the point where protection against fraud is most needed. It is generally believed in Milwaukee that most of the voters who are "sworn in" on the day of election are qualified to vote, but undoubtedly there are questionable cases.

*Cost.* The cost of conducting registration in Milwaukee prior to a primary and the following election is estimated in the table following, taken from the records of the election office. It is not uncommon for the cost of registration in many cities to run from fifty cents to a dollar annually per registered voter, while the cost in Milwaukee is only 13.7 cents per registered voter annually. The largest cost in registration is the personnel charge, which is greatly reduced in Milwaukee by doing away with precinct registration. The permanence of registration is another important factor making for economy, since the city is not put to the expense of re-registering the voters year after year. The cost of supplies is greatly reduced by the practice of the election board of printing its own supplies. The office owns its own printing equipment and plates, and prints all of its supplies, with the exception of the precinct poll lists, which are too large for the machine. Registration cards which

formerly cost from three to four dollars per thousand now cost \$1.46.

*Estimated Cost of Conducting a Typical Registration Prior to the Primary and Following Election\**

|   |             |
|---|-------------|
| Salaries of permanent employees (50% charged to registration).  | \$1,780.00  |
| Salaries of Election Commissioners (50% charged to registration).   | 1,260.00    |
| Salaries of extra clerical help (90% charged to registration)   |             |
| (Payroll of 1922 fall election taken as typical). . . . .   | 4,609.27    |
| Printing of precinct poll lists by contract (Spring Election, 1924)   | 6,254.87    |
| Police canvass books—325 at 17½c each. . . . .  | 56.87       |
| Pasting lists of registered voters in police canvass books (by contract in 1924 at 44c each for 308 precincts). . . . . | 135.52      |
| Cards of all kinds used in registration (estimated)—48,000 at \$146 M . . . . .   | 70.08       |
| Blanks and stationery (10% charged to registration). . . . .  | 101.33      |
| Publications (10% charged to registration). . . . .   | 116.66      |
|   | <hr/>       |
|   | \$14,384.60 |
| Cost per voter for the entire electorate (177,091 voters registered in 1924) . . . . .                                  | 8.1c        |

\* Milwaukee has three elections every two years. The following estimate does not take into account the following items, which are indeterminate: office rental, charges for equipment, electric light, and a few other negligible items. The police force receives no additional compensation for making the police canvass.

*Percentage of Registered Voters.* Political leaders from all parties in Milwaukee are agreed that registration is effective in preventing fraudulent voting. The statistics of the percentage of registered voters bear out the testimony, showing a much lower percentage of potential voters registered in the sections of the city formerly dominated by political machines. The transient section of the city, the slums, the cheap boarding houses, the Negro district, and the sections with the poorer foreign element have a low percentage of potential voters registered, while the percentage in the middle class and select residential sections is uniformly considerably higher.

The percentage of eligible voters registered in the city of Milwaukee is comparatively high. A historical statistical study of this phase of registration is presented in the following table, though no account is taken of the citizens of voting age

## REGISTRATION OF VOTERS

*Registration in Milwaukee, by Wards, 1920\**

Group 1. Wards located in the downtown, boarding house, slum, poorer foreign, and Negro districts

| Ward No. | Eligible voters | Registered voters | Per cent of eligible voters registered |
|----------|-----------------|-------------------|--|
| 3.....   | 9,821           | 5,557             | 57                                     |
| 2.....   | 8,892           | 5,358             | 60                                     |
| 4.....   | 10,509          | 6,263             | 60                                     |
| 6.....   | 9,087           | 5,649             | 62                                     |
| 10.....  | 6,462           | 4,065             | 63                                     |
| 5.....   | 8,240           | 5,259             | 64                                     |
| 7.....   | 10,940          | 7,146             | 65                                     |
| 9.....   | 8,551           | 5,554             | 65                                     |

## Group 2. Middle class residential

|         |        |        |    |
|---------|--------|--------|----|
| 13..... | 9,830  | 6,821  | 69 |
| 25..... | 11,126 | 7,629  | 69 |
| 14..... | 5,345  | 3,843  | 72 |
| 8.....  | 8,125  | 5,857  | 72 |
| 20..... | 13,368 | 10,342 | 73 |
| 21..... | 10,484 | 7,525  | 73 |
| 22..... | 14,365 | 10,483 | 73 |
| 12..... | 7,333  | 5,461  | 74 |
| 16..... | 7,053  | 5,294  | 75 |
| 24..... | 6,625  | 4,936  | 75 |
| 17..... | 9,129  | 6,935  | 76 |
| 23..... | 11,959 | 9,334  | 78 |
| 11..... | 7,595  | 5,960  | 79 |

## Group 3. Aristocratic residential

|              |         |         |      |
|--------------|---------|---------|------|
| 19.....      | 11,016  | 7,705   | 70   |
| 15.....      | 8,767   | 6,530   | 75   |
| 1.....       | 10,512  | 7,974   | 76   |
| 18.....      | 10,992  | 9,118   | 83   |
| Totals ..... | 236,063 | 166,608 | 70.4 |

\* Computed from the Election Manual of the City, 1921, pp. vii-ix, and the United States Census Reports.

who have not resided in the state sufficiently long to qualify to vote.

Prior to the beginning of the present system of registration in 1912 the percentage of eligible voters registered ran very high, even going to 112 per cent in 1900, but this may be accounted for largely by the practice of the precinct registration boards of carrying on the registers the names of persons who had died or

*Registration and Voting in Milwaukee Since 1900*<sup>10</sup>

| Year       | Eligible voters * | Registered voters | Per cent of eligible voters registered | Votes cast | Per cent of registered voters voting | Per cent of eligible voters voting |
|------------|-------------------|-------------------|--|------------|--------------------------------------|------------------------------------|
| 1900 ....  | 71,153            | 79,601            | 112                                    | 58,173     | 73                                   | 82                                 |
| 1902.....  | 75,512            | 59,748            | 79                                     | 54,505     | 91                                   | 72                                 |
| 1904 ....  | 79,871            | 67,261            | 84                                     | 63,869     | 95                                   | 80                                 |
| 1906.....  | 84,430            | 76,650            | 91                                     | 58,799     | 77                                   | 69                                 |
| 1908 ....  | 88,802            | 83,189            | 94                                     | 63,153     | 76                                   | 71                                 |
| 1910 ....  | 92,948            | 70,551            | 76                                     | 53,491     | 76                                   | 57                                 |
| 1912 ....  | 97,324            | 90,200            | 93                                     | 65,231     | 72                                   | 66                                 |
| 1914 . . . | 101,701           | 75,325            | 74                                     | 55,708     | 67                                   | 55                                 |
| 1916 . . . | 106,078           | 80,884            | 76                                     | 69,069     | 85                                   | 65                                 |
| 1918 ...   | 110,455           | 84,813            | 77                                     | 63,682     | 75                                   | 55                                 |
| 1920 ...   | 236,063           | 116,608           | 70                                     | 123,905    | 74                                   | 57                                 |
| 1922.....  | 244,817           | 153,804           | 63                                     | 90,861     | 59                                   | 37                                 |
| 1924.....  | 253,517           | 177,091           | 70                                     | 131,066    | 74                                   | 52                                 |

\* Estimated for years other than census years

moved out of the precinct, though gross irregularities and frauds still prevailed to some extent. Precinct registration boards prior to 1912 commonly accepted long lists of voters handed in by political workers, and put these names on the registers without question or scrutiny.

In 1912, when the present system was started, registration cards were left at every house in the city by the police force, for the voter to fill in. The newspapers gave a great deal of pub-

<sup>10</sup> Computed from the Election Manuals of Milwaukee and the United States Census Reports. All statistics are taken from the regular fall elections.



licity to the new registration, and the result was that 93 per cent of the potential voters at that time registered. Two years later the number dropped to 74 per cent, and remained near that percentage until 1920, when women were enfranchised. The percentage of eligible voters who actually cast their ballot in Milwaukee is comparatively low, probably owing to the absence of strong political organizations in the city. A large registration does not insure a large vote, though it facilitates it.

*Summary.* The system of registering voters used in Milwaukee is eminently successful. The most notable features of the system are:

1. The permanence of registration.
2. The provision for the transfer of registration from one precinct to another within the city upon the signed request of the voter, sent through the mails or otherwise.
3. The police canvass of registration before all important elections.
4. The use of individual cards for registration records instead of the old style of bound volumes.
5. Registration at the central office only, and throughout the entire year.

**Omaha.** The city of Omaha has one of the best systems of registration found in any city in the country. It is thoroughly and efficiently administered; it is economical in operation and effective in preventing voting frauds; and it is, on the whole, convenient to the voter, though some improvement could be made along this line. Other registration systems have succeeded under favorable conditions, with the absence of strong party machines, but registration in Omaha has been a success in the face of a strong political machine which formerly resorted to all sorts of fraudulent election practices. The present election and registration law brought about clean elections.

*Organization.* The present election law for Douglas County, in which Omaha is situated, was enacted in 1913, after positive evidence of the existence of gross election frauds had been

brought out by an investigation in connection with a contested seat in the state senate of that year. The bill was prepared after many conferences by some of the practical reformers and opponents of the political machine of the city. The two central features of the organization are: first, the divorcement from bi-partisanship and machine domination, and second, the centralization of power and responsibility in the hands of a single man. Both features have worked exceedingly well in practice, contrary to the conventional theories on the subject which demand strictly bi-partisan, board control of election administration.

At the head of the election and registration administration is a single Election Commissioner, appointed for a term of two years by the governor of the state. He is also *ex-officio* jury commissioner, and receives a combined salary of \$4500 annually. In the history of the office there have been only two commissioners. The first commissioner was the Honorable Harley G. Moorehead, a leading attorney of the city, and a Democrat, appointed by a Democratic governor. Mr. Moorehead was continued in office by succeeding governors, Democratic and Republican alike, from 1913 until he resigned in 1922. His successor, the Honorable William S. McHugh, Jr., was appointed by a Republican governor, but was reappointed by Democratic and Republican governors. The custom is now well established that the incumbent shall be continued in office as long as he gives the city a clean election administration, regardless of his politics, and public sentiment demands this of the governor.

The success of the system of election and registration administration is due in large measure to the vigorous administration of the first election commissioner, who used the large powers vested in the office to clean up elections. He demanded the service of the best citizens of the city on the election boards, and with compulsory powers in the law, would not accept a denial. With a fearless hand he threw out the old line political ward heelers and brought independent, respectable citizens into the service.

After the new administration was placed thoroughly on its feet, it was no longer necessary to require the service of the leading citizens, but in the early days their service was demanded and secured.

The Election Commissioner has always been opposed by the strong party machine, known locally as "the gang." In the early days of the office, the machine-controlled newspapers hounded the Commissioner with every conceivable charge and placed him in the headlines on the first page with unfavorable publicity continually. Even now the city "boss" is loud in his denunciation of the system of a single commissioner of elections, and asserts that the only fair way to run elections is to have a bi-partisan board. This attitude is only natural, since the "boss" would dictate the appointment of the representatives of both sides on such a board. Year after year the machine has attempted to secure control of the office of commissioner, but has not been able to do so, due in part to the growth of a public sentiment that the office must be kept out of politics, and in part to the pressure upon the Governor from the rest of the state to use his appointing power to insure clean elections in Omaha, which has a large effect upon the result of state elections. Obviously, there is a danger that "the gang" may some time secure control of the powerful office of election commissioner and run elections with a high hand, but the danger does not seem to be great. Even "the gang" could not force the Governor to appoint a palpably bad person to the office, and the danger is not greater than it would be with a supposedly bi-partisan board, actually controlled by "the gang."

The law provides that there shall be a deputy election commissioner, appointed by the Commissioner, from the leading political party opposed to the one with which the Commissioner is affiliated. This provides, in a way, for bi-partisanship, but the deputy is at all times subject to the orders of the commissioner, and may be removed at will. For some years after the law went into effect, the deputy, who was paid \$1800 annually, devoted his entire time to the duties of the office,

and was merely one of the clerks of the office. The practice has now been changed; the present deputy devotes only part time, acts as counsel to the commissioner, and assists in the supervisory work. The deputy is always personally selected by the Commissioner, and works in close harmony with him.

The permanent office force consists of only two persons, a chief clerk and a stenographer. They are both personally appointed by the Commissioner, and subject to removal by him at any time. No thought is given to the party affiliation of the permanent employees. As it happens, at the present time both the chief clerk and the stenographer are members of the opposite political party.

Extra help is employed by the Commissioner, or by the deputy or chief clerk under his instructions. No heed is paid to party affiliations, and appointments are not made from party recommendations. Applicants are interviewed, and those apparently possessing the necessary clerical qualifications are tried out. When extra help is needed employment agencies are notified and other means are taken to secure independent applications, without regard to party affiliation. The extra help is employed in much the same manner that a private firm would use to secure extra clerical help. It is not under civil service, and no examination worthy of the name is given, but the degree of clerical training and skill required is not great, and a trial of the applicant takes the place of a formal examination.

The number of persons employed as extra help runs as high as from seventy-five to a hundred during the rush period before a general election. The usual compensation paid is fifty cents per hour, though a few employees used as supervisors are paid sixty-five cents per hour.

*Precinct Inspectors.* The most important cog in the machinery of registration, aside from the Commissioner, is the precinct inspectors of each election. There is one inspector for each precinct, who on the day of election has full charge and control of the conduct of election of his precinct. He makes the canvass

of registered voters after the close of registration. The idea of centralized power and responsibility in elections is carried right down to the precinct. What the Commissioner of Elections is for the city, the inspector of election is for the precinct. If corrupt elections occur in any precinct the inspector is responsible.

The inspectors of election are far above the average run of election officers. As a rule, they are high-minded, respectable citizens, who accept the position in the spirit of public service at a personal sacrifice. This type of person is secured because of the following reasons: first, they are personally selected by the election commissioner, who is responsible for their conduct; second, they are selected without regard to party affiliation and not upon the recommendation of party organization; and third, the position is one of considerable power and responsibility, which makes an appeal to desirable persons. The inspectors do not have to reside in the precinct to which they are assigned. In 1925 only thirty-two out of a total of 161 inspectors in the city resided in the precinct of which they had charge. By a detailed study it has been found that few inspectors are taken from the "river wards," most of them coming from the better sections of the city. The Commissioner of Elections may compel the service of any citizen appointed as an election officer. In the first years of the operation of the law it was necessary to use this power, but since the system has become well established, it has not been necessary to compel service.

The law contains an unworkable provision that the inspectors shall be divided between the two parties as nearly in proportion to the vote cast for each party at the preceding election as possible, but in practice no attention, or practically none, is paid to the party affiliation of persons appointed as inspectors. By selecting the inspectors without regard to party affiliation, a normal balance between the two parties is secured. In 1925 there were ninety-six Republicans, seventy-eight Democrats, and one Prohibitionist.

The following statement of the occupations of the inspectors is significant:

|                     |    |                         |   |
|---------------------|----|-------------------------|---|
| Attorneys .. .. .   | 34 | Superintendents .. .. . | 6 |
| Clerks .. .. .      | 25 | Bankers .. .. .         | 5 |
| Salesmen .. .. .    | 24 | Retired .. .. .         | 5 |
| Mechanics .. .. .   | 12 | Students .. .. .        | 3 |
| Managers .. .. .    | 11 | Professors .. .. .      | 2 |
| Realtors .. .. .    | 9  | Pastors .. .. .         | 2 |
| Merchants .. .. .   | 9  | Printers .. .. .        | 2 |
| Secretaries .. .. . | 8  | Abstractors .. .. .     | 2 |
| Farmers .. .. .     | 8  | Editors .. .. .         | 1 |
| Insurance .. .. .   | 7  |                         |   |

Total, 175; city inspectors, 161; county inspectors, 14.

It will be noticed that practically all of the inspectors come from the "white collar" class, and many of them persons of apparently responsible positions. It is significant that attorneys lead the list, and that attorneys, clerks, and salesmen combined constitute half of the total. A detailed study of the ages of the inspectors shows also that most of them are in the prime of life. Seventy are between thirty and forty years of age, and thirty-one are between forty and fifty years of age. Only a comparatively few fall within the retired class.

The compensation paid to the inspectors is only five dollars per day. In making the canvass of registered voters they are permitted to do the work at whatever time is most convenient to themselves, and keep an account of their own time. They are not limited to a fixed amount of time, but instead are told to take whatever time is necessary, and the commissioner allows any reasonable claim. The cost of making the canvass, however, is very reasonable, indeed, indicating that the inspectors are quite moderate in their time reports.

No definite data could be secured as to the turnover of the inspectors, but it was stated that a number had served since the office was first created, and most inspectors serve for as long as four years. The commissioner puts pressure upon them to serve at least that long, though after four years it is entirely optional with the inspectors as to whether they will serve longer.

*Records.* Registration is made upon duplicate, loose-leaf forms, which contain quite complete data concerning the voter, including a personal description indicating color of hair, color of eyes, age, apparent weight, apparent height, and other means of identification, and also the signature. After the registration is taken, two additional copies are prepared on the typewriter, and four copies of the register are kept in loose-leaf form. This excessive number which is required by state law involves an unduly large amount of clerical work to keep all records corrected. All of the four registers are kept in the same identical form—alphabetical for each precinct. The original register never leaves the vault of the office, the duplicate of the original registration and the two typewritten copies being sent to the polls in locked binders.

There is maintained also an alphabetical card index of all the voters of the county. Upon these cards is recorded the name, address, date of registration, age, party affiliation, ward and election district, and naturalization data. Spaces are provided for new addresses, and the index is kept corrected up to date.

There is no street list of voters printed, as is common in other large cities. The party organizations before most elections request the office to prepare for the use of their workers alphabetical precinct lists of the registered voters, which are typewritten, and the cost is divided between the parties asking for copies. The registers are open for public inspection, but no other publicity is given to the registration. No complaint is raised against the absence of printed lists of voters.

*Procedure.* Registration is conducted at the central office throughout the year, with the exception of ten days prior to each election, when it is closed. Registration is also provided for the outlying precincts, and registration officers are sent out to places in different sections of the city for registration sessions of one or two days in length. This, however, is confined to only three places, and ordinarily to one day only. It is believed that all registration should be conducted at the main office under strict supervision.

The registration is conducted by the regular or extra employees under the close observation of supervisors. The normal procedure is for the applicant to come before one of the employees at the central office, answer the required questions, and sign his name upon the original and duplicate records, thus completing the registration. The supervisory officers, including the commissioner, deputy, and the chief clerk, are on hand to take up any unusual case which may arise, and to watch out for anything which may appear suspicious. The supervisors keep a sharp lookout for groups of applicants being brought in by party workers, and are careful to see to it that every applicant answers the required questions and not to permit the precinct captain to answer for him. Naturalized citizens are required to produce a record of their naturalization, or that of the person through whom they were naturalized. No provision is made for absentee registration.

The registered voter is continued on the register as long as he resides at the same address. There is no provision for transfer of registration, and the voter who moves is required to register from the new address. At that time he is asked whether he is registered from another address in the county, and, if so, the previous registration is cancelled. This is a faulty process. It inconveniences the voter by requiring him to register anew when he moves. It adds greatly to the work and expense of the election office, for new registration records are required.

*Correction.* The death reports and the reports of persons convicted of disfranchising crimes are used to cancel registration. The principal means of keeping the registers free from dead weight, however, is the precinct canvass. A canvass of the entire city is made before general elections by the inspectors of election in each precinct. Before primaries and other elections a canvass is made only where it is deemed necessary and is usually confined to the transient section of the city.

A street list of registered voters is prepared in the election office after the close of registration and is turned over to the



precinct inspectors to use in making the canvass. There is but one inspector to the precinct, who, regardless of his party affiliation, makes a house-to-house check upon the residences of registered voters and issues a challenge for every voter not found. The inspectors are responsible persons, and a thorough canvass is secured. Special care is taken in the transient sections, and inspectors qualified to handle the type of persons encountered are assigned. Some of the down-town inspectors are quite "hard boiled."

When the list of voters is handed in by the inspectors, the office sends out through the mail as soon as possible a challenge notice to persons who were not found. To remove the challenge it is necessary to secure the affidavit, upon a proper form, of two qualified voters of the precinct, and if the challenge is not removed within a year, the registration is cancelled. The voter is permitted, however, to remove the challenge at the polls on the day of election. This is necessary because there is not sufficient time to handle the work before the day of election. In the "shady" precincts the inspectors are instructed to be very careful in accepting the affidavits, and to require the voters of the precinct making such affidavit to appear in person at the polls.

The cost of making the canvass is extremely small, even though the inspectors are paid for whatever time they may require to canvass the precinct. The average cost per precinct for the general election of 1921 was only \$12.75, and the cost per registered voter only 2.8 cents. The canvass is very thoroughly made, especially in the sections of the city where fraud is most likely to occur.

When the voter appears at the polls to vote he is required to sign his name in the poll list. The law does not specifically require the comparison of his signature with that on the registration record, but this is done in most precincts for persons who are not personally known to the inspector, and may be done at any time. In the precincts where fraudulent voting is feared the inspectors are instructed to be very strict about making the com-

parison of the signatures. Every voter is not positively identified when he votes, but there is the possibility that a comparison of the signatures may be made, and this is sufficient to prevent impersonation.

Registration frauds in Omaha are practically unknown now, though before the present system of registration was adopted, fraudulent voting was quite common. This is a remarkable achievement in the face of a strong political machine which is none too scrupulous in its tactics. The credit for clean elections is due both to the system of registration and to the honest, independent, and vigorous administration.

*Cost.* The cost of registration in Omaha is relatively low, though it is higher than in some other cities with permanent registration. It is much lower than in cities with periodic registration. The largest cost of registration comes in the office administration, which is high because of the cumbersome system of maintaining four registers for each precinct of the city, in addition to the card index of registered voters. This is an unnecessary duplication of records. Considering the type of registration secured the cost is very low.

The following table of the cost of registration is taken for a three-year period, since municipal elections are held only once in three years, and three years constitute a cycle of registrations and elections:

*Estimate of the Cost of Registration in Omaha for 1922, 1923, 1924*

|   |                   |
|---|-------------------|
| Salary, Election Commissioner (50% charged to registration).... | \$4,500.00        |
| Salary, deputy (50%).. .. .                                     | 2,700.00          |
| Salary, permanent office force (50%).....                       | 4,140.00          |
| Salary, extra help (90%).....                                   | 33,375.34         |
| Registration blanks and forms (estimated).....                  | 1,900.00          |
| Index cards (estimated).....                                    | 131.25            |
| Challenge notices, including stamps (estimated).....            | 1,260.00          |
| Miscellaneous supplies (estimated).....                         | 100.00            |
| Total .....   | <hr/> \$54,663.00 |
| Average annual cost... ..                                       | \$18,221.03       |
| Average annual cost per registered voter (average, 70,000)..... | 26c               |

*Statistics of Registration and Voting.* Unfortunately, statistics on the registration and vote cast are available for only since 1922. In that year there were 66,100 registered voters in Omaha, with an estimated eligible vote of 121,000, making 54.6 per cent of the eligible voters registered. In 1924, with an estimated eligible vote of 132,000, the registration was 66,723, or 56 per cent. These statistics indicate a relatively low percentage of eligible voters registered. This probably may be accounted for through the general political situation rather than through the system of registration, which, in the main, is convenient to the voter. There are some features of the system which tend to restrict registration, however. In the first place, the canvass of registered voters is thoroughly done, and dead weight removed from the registers. The challenges run as high as twenty thousand at each canvass. The political "boss" of the city complains that the election commissioner disfranchises more votes than he ever stole. This does not mean that *bona fide* voters are disfranchised, as the "boss" asserts, but only that the lists are kept free from being padded.

The requirement of the voter who moves to come to the main office to register anew serves to deter registration. A system of transfer would add to the convenience of the voter and would increase the registration. The restriction of registration to the central office, with a few exceptions, also makes registration inconvenient to the class of voters who never come to the heart of the city. More use of outside registration offices would make the system more convenient and increase the number of registered voters.

The comparative statistics of registration by wards indicate a healthy condition. The three "river wards" have the lowest registration in the city. In 1922, using the census report of 1920 uncorrected to take into account the growth of the city, 61 per cent of the eligible voters of the city were registered. The percentages in the three "river wards" were only 56, 42, and 40, respectively, while the better wards of the city ran from 64 to 77 per cent registered.

*Summary.* The most significant feature of registration in Omaha is the organization rather than any mechanical feature of the system. The old theory of bi-partisanship and divided power and responsibility has been discarded, and in its place has been set up independent, non-partisan, centralized, responsible administration. At the head of the organization is the single election commissioner, whose independent and non-partisan administration of elections is attested to by the fact that a Democratic commissioner was reappointed by Republican governors and a Republican commissioner by Democratic governors. The custom has grown up to appoint and to continue in office a commissioner who is more or less independent of party ties.

The backbone of the registration system is the precinct inspectors of election, who investigate registration and are responsible for their precincts. Responsible, well-to-do citizens serve as inspectors because they consider it the patriotic thing to do. The position is one of power and responsibility and is filled without regard to precinct or party lines.

**San Francisco.** The system of registering the voters in San Francisco is unique and suggestive. The procedure is quite different from that used in other states, but it is practically identical with the system in operation in Los Angeles and the other cities of California. It is unquestionably the most satisfactory system of biennial registration in use in the United States. In the writer's recent survey only words of highest praise were used by politicians of all parties and groups, in commenting upon the system. The testimony of newspaper men, officers of civic organizations, and public men generally was all to the same effect.

*Organization.* The machinery for the administration of registration is not unique. At the head of the election and registration machinery of the city and county of San Francisco is the Board of Election Commissioners, consisting of five members appointed by the mayor. Formerly bi-partisan representation

was required by law, but with the adoption of non-partisan municipal elections this requirement was dropped. The present board consists of three Republicans, one Democrat, and one Independent. The members serve for four years, with overlapping terms. Each member receives a salary of \$1000 annually.

The powers of the board are unusually wide. The board is an independent spending agency, subject to no financial control by the city and county supervisors. It has comparatively wide powers over the conduct of registration because the state election laws do not prescribe in minute detail the procedure to be followed. The various details of time, place, procedure, and machinery are all left largely to the discretion of the county officers. The board of election commissioners of San Francisco and the election officers of other counties have thus been able to modify and improve various parts of the process of registration without the necessity of getting the law changed. The most significant features of the registration system used in San Francisco and most of the rest of the state have been voluntarily adopted by the county election officers upon their own authority.

The chief administrative officer of elections and registration is the registrar of voters, who is appointed by the Board of Election Commissioners for a term of four years. The registrar of voters has charge of the election office, subject to supervision by the Board, which, in practice, is very slight. The present incumbent, Mr. J. H. Zemansky, has had a long and notable career in the office. He not only has charge of administrative routine, but his advice on matters of policy is followed usually as a matter of course by the board.

The permanent employees of the office consist of twenty persons, which is somewhat large for a city of the size of San Francisco. The entire force is under the civil service system of the city and county, and is made up of permanent employees. The average length of service of the present force is exactly eleven years. Few die and none resign. No attention is paid to

the political affiliation of the members of the force, and no attempt is made to maintain a balance in the office between the two political parties as is common in other cities. Politics and political pull seem to have nothing to do with the running of the office.

The salary scale of the office force is high, but conforms pretty closely to the scale paid throughout the city and county service. It varies from annual salary of \$2280 paid the stenographer, to \$3600 paid the chief clerk and also the chief deputy. The registrar of voters receives \$5200.

The extra help used in the conduct of registration, both in the office and in the field, is also under the civil service. From seventy to eighty persons are employed in the field registration campaign, and a somewhat larger number is used in the office to handle registration prior to an election. These temporary employees are taken on in order of rating from an eligible list of general clerks. They receive a salary of \$150 per month while employed in the office, and a fee of ten cents per registration while at work in the field.

*Records.* The San Francisco office has a model system of registration records. The register of voters consists of an individual page for each voter, which is made in duplicate. The original is filed in loose leaf volumes by precincts, and the duplicate is filed alphabetically for the entire city. The registration record for each voter is called an "Affidavit of Registration," and is in reality an affidavit, containing an oath which covers all the essential qualifications for voting: age, citizenship, and length of residence. The voter is required by state law to give the following information, which is recorded on the affidavit: (1) Whether registered elsewhere; (2) name; (3) residence in detail; (4) occupation; (5) height; (6) where born; (7) naturalization record, if foreign born; (8) statement of literacy, and also whether assistance in voting will be required; and (9) party affiliation. The voter and the registration deputy both sign the affidavit, which is dated.

Attached to each affidavit of registration is a stub, which contains the name, address, occupation, party affiliation, and precinct number of the voter. The stub is also made in duplicate. The original is filed alphabetically by precincts, and constitutes a duplicate of the precinct register. The duplicate stub is used as a printer's copy in making the printed lists of voters.

Under the requirement of state law, the office has a list of the voters of each precinct printed. This list is known as the "index of voters." It is arranged alphabetically for each precinct. A complete revision is printed before important elections, but supplements are used to bring the printed lists up to date before minor elections. These lists are sold to the political parties and candidates at fifty cents per thousand names. The revenue derived in this way is negligible. Four copies of the list of each precinct are posted within the vicinity of the polls on the day of election.

The registration and election office also maintains a "directory of naturalized citizens." The naturalized citizen is required by law to present his papers when he registers for the first time in the county. The registration deputy records from the naturalization papers the name, address, place of birth, date, and place of naturalization, on a card provided for this purpose. These cards are filed alphabetically for the entire city, and from them has been printed the "directory of naturalized citizens." This volume is brought up to date by means of a supplement every two years. The naturalized citizen is not required to present his papers except when he first registers in the county. Thereafter his name may be found in the "directory of naturalized citizens," and the naturalization data secured from it. Each field deputy conducting registration is required to carry a copy of the directory for this purpose.

*Procedure.* A new general registration is held every two years, beginning with the first day of January in even-numbered years. The voter may register at the central office in the city hall at any time during the entire year, except for thirty days prior to an election, when registration is closed. In addition to central

registration throughout the year, a field force of some eighty persons makes a house-to-house canvass of the entire city at the start of a new general registration, to register the voters at their homes. This really amounts to a census of the voters, though it is not possible for the deputies to find every voter at his residence in this campaign.

Each field deputy is assigned to a precinct and required to complete it before receiving a new assignment. The deputies are paid ten cents per registration, and it is customary for them to make return calls in the evening to register voters who were away during the day. After the entire city is covered once, the force is put back for a second canvass over the city. On the second canvass approximately one-fifth as many voters are registered as on the first canvass. When the field campaign is finished (usually in March of even-numbered years) no further house-to-house registration is conducted until two years later, when a new general registration is held.

At the close of the house-to-house registration, and also prior to every election, branch registration offices are set up in the business section of the city. These are located in department stores, banks, and newspaper offices. Any person who has not previously registered may apply to any one of the branch offices, as well as the central office, and be registered from any precinct in the city. A large number of people forget about their previous registration and register a second time, but duplicates are thrown out when the affidavits are filed at the central office.

Registration deputies are also sent upon request to all kinds of public meetings to take care of unregistered voters who may be present. Every effort possible is made to reach the potential voter. The registrar of voters gives coöperation to any organization working to increase registration.

The registered voter who changes his address is required to go in person to the central office in the city hall to register from the new address. He is required to authorize the cancellation of the registration at the old address.



*Correction.* No provision is made for challenging registration and adjudicating the matter before the day of election. Challenges are handled by the election judges of the precinct on the day of election. The board of election commissioners is not authorized by law to cancel registrations, except upon the basis of death reports and transfer of registration.

There is no official canvass of the registered voters to check up on the residence and other qualifications. The nearest approach to a canvass is in connection with the mailing of official election pamphlets before each election. These are sent out by the election office, and, by arrangement with the postoffice, undelivered pamphlets are not forwarded to another address, but are returned. The names of persons who could not be located by the postman are marked to be challenged at the polls. This practice is not specifically authorized by law, and is not used in other cities of the state. It is deemed to be of considerable value in San Francisco.

The registrar of voters may, upon complaint being filed, require any landlord to submit a list of lodgers, with the date when each lodger began to reside with him. This is rarely done.

*Cost.* The cost of registration in San Francisco is high in comparison with Milwaukee, Portland, and other cities having permanent registration, but is low in comparison with Chicago, New York, and other large cities having annual or biennial registration conducted in the precincts. In comparison with other cities in California using the same system the cost is high, owing to a high personnel cost. This may be accounted for in part by the thorough manner in which registration matters are handled in San Francisco, but there are other factors making for a high personnel cost which space will not permit being taken up here. The system of registration used in San Francisco is not necessarily expensive. The cost per registered voter in other cities of the state is much less than in San Francisco. The average annual cost of registration per registered voter (219,434 in 1924) was 40.5 cents. This estimate does not take

into account the following indeterminate items: office rental, equipment charges, and lighting.

*Statistics on Registration and Voting.* A study of the statistics on registration and voting in San Francisco shows that the percentage of eligible voters registered has declined greatly since 1880, but it is significant that since 1912 it has taken an upward turn, despite the fact that women were enfranchised in 1912. The percentage of registered voters voting has declined sharply and steadily throughout the entire period. The percent-

*Estimated Cost of Registration, Fiscal Years, 1922-23, 1923-24*

| Personnel Cost  | 1922-23            | 1923-24             |
|---|--------------------|---------------------|
| Board of Election Commissioners (50% charged to registration).....          | \$2,500.00         | \$2,500.00          |
| Registrar of Voters (50%).....  | 2,400.00           | 2,400.00            |
| Permanent office staff (50%).....   | 20,941.00          | 20,941.00           |
| Temporary office clerks (75%).....  | 29,003.13          | 40,388.12           |
| Field registration fees.....  | 11,689.35          | 17,619.00           |
| Supplies and Printing   |                    |                     |
| Printing Index of Voters .. . . .   | 4,372.94           | 15,900.15           |
| Registration affidavits (\$15.44 M) .. . . .                                | 4,761.70           | .....               |
| Printing street guide and precinct book.....                                | 698.00             | .....               |
| Supplement to Directory of Naturalized Citizens .. . . .                    | .....              | 720.00              |
| Miscellaneous forms, stationery, postage, and supplies (estimated) .. . . . | 500.00             | 500.00              |
| Totals .. . . .   | <u>\$76,866.12</u> | <u>\$100,968.27</u> |

age of eligible voters voting has also declined throughout the entire period, but at a much slower rate during recent years.

The statistics presented here are affected by the registration system in a number of ways. Prior to 1900 an ineffective registration system permitted padding of the lists, as well as impersonation at the polls. An effective registration system has stopped this and thus lowered the percentages. Within recent years the practice of taking registration to the home of the voter has served to increase the percentage of potential voters registered. If due account is taken of the citizens who have not satisfied the residence requirements, and of those who are utterly uninterested in voting, it would seem that the system of registration reaches almost the maximum number of eligible voters.

In 1920 and 1924 seven out of every ten citizens of twenty-one years of age were registered.

A comparison of the registration by assembly districts in 1920 is presented in the table below. The old Barbary Coast district, the crime center of the city, is at the bottom of the list with only

*Registration and Voting in San Francisco Since 1880*<sup>11</sup>

| Year      | Eligible voters * | Registered voters | Percentage of eligible voters registered | Votes cast | Percentage of registered voters voting | Percentage of eligible voters voting |
|-----------|-------------------|-------------------|--|------------|--|--------------------------------------|
| 1880 .... | 53,600            | 43,775            | 82                                       | 41,292     | 94                                     | 77                                   |
| 1882..... | 57,847            | 42,135            | 73                                       | 39,102     | 93                                     | 68                                   |
| 1884..... | 62,094            | 50,542            | 81                                       | 47,535     | 94                                     | 77                                   |
| 1886 .... | 66,341            | 48,792            | 74                                       | 45,716     | 94                                     | 69                                   |
| 1888..... | 70,588            | 58,549            | 83                                       | 55,313     | 94                                     | 78                                   |
| 1890 .... | 74,835            | 59,770            | 80                                       | 55,565     | 93                                     | 74                                   |
| 1892 .... | 79,999            | 67,849            | 85                                       | 60,790     | 90                                     | 76                                   |
| 1894..... | 85,163            | 68,039            | 80                                       | 61,548     | 90                                     | 72                                   |
| 1896 .... | 90,327            | 72,992            | 81                                       | 61,820     | 85                                     | 68                                   |
| 1899 .... | 95,493            | 62,965            | 66                                       | 55,275     | 88                                     | 58                                   |
| 1900 .... | 100,637           | 76,633            | 76                                       | 65,161     | 85                                     | 65                                   |
| 1902..... | 105,623           | 70,716            | 67                                       | 61,091     | 87                                     | 58                                   |
| 1904 .... | 110,609           | 81,576            | 74                                       | 67,770     | 83                                     | 61                                   |
| 1906..... | 115,595           | 51,633            | 45                                       | 38,564     | 75                                     | 33                                   |
| 1908..... | 120,281           | 75,388            | 63                                       | 61,625     | 82                                     | 51                                   |
| 1910 .... | 125,565           | 75,828            | 60                                       | 59,724     | 79                                     | 48                                   |
| 1912 .... | 236,436           | 134,701           | 57                                       | 105,646    | 78                                     | 45                                   |
| 1914 .... | 250,547           | 161,846           | 65                                       | 134,492    | 83                                     | 54                                   |
| 1916 .... | 264,658           | 182,276           | 69                                       | 155,747    | 85                                     | 59                                   |
| 1918..... | 278,769           | 175,110           | 63                                       | 103,011    | 59                                     | 37                                   |
| 1920 .... | 292,879           | 209,469           | 71                                       | 154,592    | 74                                     | 53                                   |
| 1922..... | 306,990           | 200,415           | 65                                       | 134,503    | 67                                     | 44                                   |
| 1924....  | 321,101           | 219,434           | 68                                       | 159,649    | 73                                     | 50                                   |

\* Estimated for years other than census years.

45 per cent of the eligible voters registered. The common belief that the lowest strata of society, the criminal element, prostitutes, gamblers, and saloon keepers always register and vote is exploded by the facts in the case of San Francisco. The following table is strong evidence that there is little fraudulent

<sup>11</sup> Computed from the records of the office of Registrar of Voters and from the United States Census Reports. The statistics are for the general fall elections.

registration and voting in San Francisco, for the percentage of potential voters registered is lowest in the districts where fraud would be expected.

*Effectiveness in Preventing Fraudulent Voting.* Fraudulent voting has practically disappeared in San Francisco. There are

*Registration in San Francisco by Assembly Districts, 1920<sup>12</sup>*

| District number   | Eligible voters | Registered voters | Per cent of eligible voters registered |
|---|-----------------|-------------------|--|
| Group 1. Districts located in the down town, boarding-house, slum, poorer foreign, hotel, and criminal sections |                 |                   |  |
| 33.....   | 25,435          | 11,582            | 45                                     |
| 21.....   | 20,297          | 12,323            | 61                                     |
| 30.....   | 27,264          | 16,775            | 61                                     |
| Group 2. Middle class residential   |                 |                   |  |
| 31.....   | 25,793          | 16,105            | 63                                     |
| 32.....   | 38,794          | 26,138            | 67                                     |
| 29.....   | 22 288          | 16,050            | 72                                     |
| 22.....   | 9,569           | 6,959             | 73                                     |
| 25.....   | 20,526          | 15,345            | 75                                     |
| 23.....   | 16,291          | 12,529            | 77                                     |
| 26.....   | 27,427          | 21,146            | 77                                     |
| Group 3 Highest class residential   |                 |                   |  |
| 28.....   | 29,767          | 21,744            | 73                                     |
| 24.....   | 17,962          | 14,350            | 80                                     |
| 27.....   | 22,105          | 18,353            | 83                                     |

<sup>12</sup> Computed from the records of the office of the Registrar of Voters and the United States Census Reports.

no longer any political machines of the old type, with an army of workers reaching down into every precinct, capable of injecting fraud into the election. But the registration system also is a powerful deterrent of fraudulent voting. The voter is required to identify himself at the polls by means of the signa-

ture, which is not only compared by the election officers, but must be compared in such a way that party watchers may also make the comparison. Impersonation is practically impossible. Fraudulent voting may be perpetrated under the system, but only with considerable danger of detection.

*Summary.* The most significant feature of the system of registration in San Francisco is the house-to-house canvass to register the voters. Persons who have not seen the system in operation are likely to raise theoretical objection to this procedure, but it works extremely well in practical operation. The experience has been that this procedure is not all conducive of fraudulent registration.

Another notable feature of the San Francisco system is the divorcement of the election and registration office from bipartisanship and partisan domination. The party leaders on all sides praise the administration of elections and registration in strong terms, notwithstanding the fact that they are given no representation on the force and are not permitted to dictate the policies. Both parties and the public generally have explicit faith that all sides get a square deal in the elections.

The system of registration records is one of the best in the country. It enables the office to give a higher quality of service to political and civic organizations, voters, and the public generally, than can be found elsewhere in the country.

The statistics on registration indicate that the system registers almost a maximum number of potential voters, though 30 per cent of the registered voters fail to vote. This does not discredit the registration system, but indicates that the problem of non-voting cannot be entirely solved by efficient registration.

A bill providing for permanent registration throughout the state was introduced in the session of the California legislature in 1927 and 1929, and was supported by the registrar of voters of San Francisco upon the ground that it would reduce the cost of registration. It is quite probable that permanent registration will be adopted within a few years, but the present system, except in a few details, will hardly be changed.

## CHAPTER XII

### THE LAW OF REGISTRATION

#### **Power of State Legislatures to Enact Registration Laws.**

Twenty-five state constitutions specifically grant to the legislature power to enact registration laws,<sup>1</sup> though in a number of cases the grant contains certain restrictions.<sup>2</sup> The constitutions of six states make registration a qualification for voting.<sup>3</sup> Several constitutions make it compulsory upon the legislature to enact a registration law for all or for a part of the state, but these mandatory provisions will not be enforced by the courts.<sup>4</sup> Where the state constitution specifically authorizes the enactment of registration laws the legislature possesses a discretion somewhat broader than it would have otherwise, but not an unlimited power. In a recent Idaho decision the court said on this point:

The Constitution of this state commits the subject of registration entirely to the legislature, and fully authorizes the legislature to enact such registration laws as it deems wise, and under this provision of the Constitution there would seem to be no question but what the legislature possesses full power and authority to enact a registration law containing any provisions it may deem wise and just, provided, of course, such provisions in no way contravene any constitutional right of the elector.<sup>5</sup>

In the absence of any specific constitutional grant of power the legislature possesses an inherent or implied power to provide

<sup>1</sup> Alabama, Arizona, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, West Virginia, Virginia, Wisconsin.

<sup>2</sup> Missouri, Texas, and Wisconsin authorize registration in cities of varying sizes. New York prohibits personal registration except in cities of over 5000 population.

<sup>3</sup> Alabama, Florida, Idaho, Louisiana, Mississippi, North Carolina, and Virginia.

<sup>4</sup> *Stallcup v. City of Tacoma*, 13 Wash. 141 (1895).

<sup>5</sup> *Gillesby v. Board of Commissioners of Canyon Co.*, 107 Pac. 71 (1910).

for a registration of electors. The court said in the early leading case on registration, *Capen v. Foster*:

This court is of the opinion that in all cases, where the constitution has conferred a political right or privilege, and where the constitution has not designated the particular manner in which that right is to be exercised, it is clearly within the just and constitutional limits of the legislative power to adopt any reasonable and uniform regulation, in regard to the time and mode of exercising that right, which are designed to secure and facilitate the exercise of such right.\*

The Illinois Supreme Court tersely expressed the general reasoning on this point in a more recent decision as follows:

By prescribing certain qualifications for voters the constitution necessarily intended that the legislature should provide some mode of ascertaining and determining the existence of those qualifications. A registry law is merely a mode of ascertaining whether or not a man possesses the necessary qualifications of a voter.<sup>7</sup>

While it is well established that the legislature, either with or without a specific constitutional grant of power, may provide for a registration of voters, it does not at all follow that every registration law is valid. It has been held that a registration law must be impartial, uniform, reasonable, and must not destroy or impair the constitutional right of suffrage, but merely regulate and safeguard it.<sup>8</sup> The courts of the several states, however, have varied quite widely in deciding what constitutes a reasonable registration law, and what unduly impairs the constitutional right of suffrage.

Compulsory registration laws, providing that no person may vote unless he has been previously registered, have generally

\* <sup>6</sup> 12 Pickering (Mass.) 485 (1832).

<sup>7</sup> *People v. Hoffman*, 116 Ill. 587 at 611 (1886). See also, *Edmonds v. Banbury*, 28 Iowa 267 (1869); *Commonwealth v. McClelland*, 83 Ky. 686 (1886); and *Fitzmaurice v. Willis*, 127 N. W. 95 (N. D., 1910); *State v. Board of Education of the City of Duluth*, 197 N. W. 964 (Minn., 1924).

<sup>8</sup> *Daggett v. Hudson*, 43 Oh. St. 548 (1885); *State v. Corner*, 22 Neb. 265 (1887).

been held valid.\* A compulsory law was upheld in the early decision of *Capen v. Foster*<sup>10</sup> on the ground that registration was not an additional suffrage qualification, "but a reasonable and convenient mode of exercising the right of voting." The cardinal feature of every registration law is that there shall be prepared, prior to the election day, a list of those who claim the right to vote. This permits an investigation of their qualifications to be made. While any compulsory registration law will operate to prevent a few negligent electors from casting their ballots on the day of election, the right of the mass of voters to have the ballot box guarded against fraudulent votes has been deemed more important than the right of suffrage of a few persons who fail to comply with the law. Compulsory registration has been held to be constitutional in thirty-eight states which now have such laws. This indicates the preponderance of authority in its favor.

In a few states, however, compulsory registration laws have been held invalid on the ground that the qualified elector possesses an absolute right to cast his ballot on the day of election, regardless of his failure to register according to law.<sup>11</sup> Under these decisions it has been necessary to enact registration laws which permit the unregistered elector to swear in his vote at the polls. This constitutes a grave weakness, for the registration is likely to break down in the precincts where protection is most needed.<sup>12</sup>

Registration laws have generally been held invalid if they deprived any class of qualified electors of the right to vote through no negligence or fault on their part.<sup>13</sup> A few registration laws have been held void because they failed to provide any means whereby an unregistered elector could register prior

\* *State v. Butts*, 31 Kan. 537 (1884); *Commonwealth v. McClelland*, 83 Ky. 686 (1886); *People v. Hoffman*, 116 Ill. 587 (1886), citing cases.

<sup>10</sup> 12 Pickering 485 (Mass., 1832).

<sup>11</sup> *Page v. Allen*, 58 Pa. St. 338 (1868); *Dells v. Kennedy*, 49 Wis. 555 (1880); *White v. Multonomah Co.*, 10 Pac. 484 (Ore., 1886).

<sup>12</sup> For an account of compulsory versus non-compulsory laws, see Chapter IV.

<sup>13</sup> *Attorney General v. Detroit*, 78 Mich. 545 (1889).



to certain elections," though there are a few decisions holding such laws valid.<sup>16</sup> A registration law which fixed the last day of registration an unreasonably long time before the day of the election has been held to be invalid.<sup>17</sup> A number of Southern states close the registration from four to six months before the election, and in Rhode Island, until 1901, the registration was closed on December 31 for the following year. A constitutional amendment of that year fixes the closing date on the last day of June.<sup>18</sup> It is unreasonable and contrary to public policy to close the registration many months prior to an election. It serves no useful purpose and deters the exercise of the suffrage. Since, however, the registration provisions of these states are contained in the state constitutions, there is no remedy.<sup>19</sup>

Registration laws must offer qualified electors a reasonable opportunity to register. A Kentucky law was held void because it provided only a single day for a general registration.<sup>20</sup> The judicial decisions invalidating compulsory registration laws have stressed the fact that some qualified electors might be ill or necessarily absent on the particular days of registration, and thereby be deprived of the suffrage right.<sup>21</sup> Accordingly, a provision for absentee registration of such persons should operate to validate a compulsory registration law in those states. If registration is conducted at a central office throughout the year, the case for the constitutionality of a compulsory law is still stronger. If the elector may register any day of the year, and particularly if provision is also made for absentee registration, there is little ground for holding a compulsory registration law unconstitutional.

<sup>16</sup> *City of Owensboro v. Hickman*, 90 Ky. 629 (1890); *People v. Strassheim*, 240 Ill. 279 (1909); *Perkins v. Lucas*, 246 S. W. 150 (Ky., 1922).

<sup>17</sup> *Weil v. Calhous*, 25 Fed. 865 (Ga., 1885); *State v. Ruhe*, 24 Nev. 251 (1898); *State v. Cook*, 41 Mo. 593.

<sup>18</sup> *Mills v. Green*, 67 Fed. 818 (1895).

<sup>19</sup> Constitution, Art. XI, Sec. 11.

<sup>20</sup> See page 312.

<sup>21</sup> *Perkins v. Lucas*, 246 S. W. 150 (1922). The case might have been decided on other grounds.

<sup>22</sup> *Daggett v. Hudson*, 43 Oh. St. 548 (1885); *Attorney General v. Detroit*, 78 Mich. 545 (1889); *State v. Corner*, 22 Neb. 265 (1887).

Since the right of suffrage, in every state, is granted by the constitution, a registration law which in effect changes or adds to the qualifications for voting is void.<sup>21</sup> If the constitution prescribes the length of residence required in the state, county, city, or precinct, a registration law which operates to increase the time required is invalid.<sup>22</sup> For example, if the length of residence in the precinct required by the constitution is thirty days, a law which closes the registration more than thirty days prior to any election would be held unconstitutional. Similarly, a law which operates to require a certain length of residence in a political unit where none is required by the constitution is void.<sup>23</sup>

After the Civil War the legislature of Nevada enacted a registration law which included a very strong oath of loyalty to the United States, apparently to prevent some ex-Confederate soldiers and Confederate sympathizers from voting. The oath was not required by the state constitution. The court held that although the oath was a very laudable sentiment and promise, it constituted an additional qualification for voting and was unconstitutional.<sup>24</sup> Likewise a Massachusetts act which provided that no one should be permitted to register within thirty days after becoming a naturalized citizen was held invalid, though the act was reasonable and designed to prevent a flagrant abuse.<sup>25</sup>

**Classification of Voters.** The constitutions of many states provide that elections shall be "free and equal." Registration laws have frequently been attacked upon the ground that they violated this guarantee. The meaning of these terms has become fairly well settled. An election is "free" when the qualified voter may exercise his right of suffrage without hindrance,

<sup>21</sup> *Capen v. Foster*, 12 Pickering 485 (Mass., 1832); *State v. Butts*, 31 Kan. 537 (1884) and numerous other decisions. In a very few states, including Idaho and North Dakota, the legislature may add to the qualifications for voting.

<sup>22</sup> *Quinn v. State*, 35 Ind. 485 (1871); *Page v. Allen*, 58 Pa. St. 338 (1868); *City of Owensboro v. Hickman*, 90 Ky. 629 (1890); *Attorney General v. Detroit*, 78 Mich. 545 (1889); *State ex rel Kiersky v. Kelly*, 32 S. 909 (Miss., 1902). Contra: *State v. Mason*, 155 Mo. 486 (1899).

<sup>23</sup> *State ex rel. v. Williams*, 5 Wis. 308 (1856); *Commonwealth v. Williams*, 83 Ky. 686 (1886).

<sup>24</sup> *Clayton v. Harris*, 7 Nev. 64 (1871).

<sup>25</sup> *Kenneen v. Wells*, 144 Mass. 497 (1887).

intimidation, or restraint," either from the state or from private individuals." An election is "equal" when the vote of every qualified elector is given the same weight as the vote of any other qualified elector, or when the vote of every qualified elector is given its due weight and influence.<sup>28</sup> The two terms taken together have been interpreted to mean that the elector has a right to have illegal votes debarred from the ballot box, as well as to have his own vote protected,<sup>29</sup> and hence they increase rather than diminish the power of the legislature over registrations and elections.

It is permissible for the legislature in enacting a registration law to classify voters, with different provisions for certain classes, provided the classification is reasonable and not unduly discriminatory. A Pennsylvania law which provided that the assessors should copy into the registers the names of all persons who were known to be qualified, but excepted residents of hotels, lodging houses, taverns, and boarding houses (who were required to apply in person for registration) was held to be valid.<sup>30</sup> The court took cognizance of the fact that frauds had frequently been committed by persons who claimed residence at such places and held that such stricter requirements were entirely wise and reasonable.

A former Maryland statute required new residents of the state, and also persons who had returned to the state after an absence, to declare their intention to reside in the state and to become qualified voters, one year prior to the date of application for registration. It was held that this act did not violate the guarantee of "equal protection of the laws" of the United States Constitution.<sup>31</sup> A similar registration act of Indiana, however,

<sup>28</sup> *People v. Hoffman*, 116 Ill. 587 (1886); *Ladd v. Holmes*, 66 Pac. 714 (Ore., 1901); *Ex parte Wilson*, 125 Pac. 739 (Okl., 1912).

<sup>29</sup> *De Walt v. Bartley*, 146 Pa. St. 529.

<sup>30</sup> *Ladd v. Holmes*, 66 Pac. 714; *People v. Hoffman*, 116 Ill. 587; *People v. Chicago Board of Elections*, 221 Ill. 9 (1906).

<sup>31</sup> *Ladd v. Holmes*, 66 Pac. 714; *Ex parte Wilson*, 125 Pac. 739; *Patterson v. Barlow*, 60 Pa. St., 54 (1869).

<sup>32</sup> *Patterson v. Barlow*, 60 Pa. St. 54.

<sup>33</sup> *Pope v. Williams*, 193 U. S. 621 (1904). This law was modified in 1929 to limit the requirement to two counties only, and to provide a loop hole for voters who had failed to comply with the law. Session Acts, Chap. 578.

was held by the state supreme court to be an unreasonable discrimination against one class of electors."

A Michigan statute which required naturalized citizens to present documentary evidence of naturalization was held to be an unreasonable discrimination against that class of electors, since other electors were permitted to take oath as to their qualifications.<sup>33</sup> Nevertheless, the laws of a number of other states require the naturalized elector to produce a record of his naturalization.<sup>34</sup>

Registration laws which classify voters on the basis of race, and provide different and more strict requirement for one race than for another, are obviously unconstitutional under the Fourteenth Amendment of the United States Constitution.<sup>35</sup> The Ohio constitution of 1802 granted suffrage to all white male citizens. The courts held that any male citizen with a preponderance of white blood was qualified to vote. The legislature in 1841 enacted a law which was designed to prevent all persons with a strain of Negro blood from voting. The act required the election officers to challenge all persons claiming 'he right to vote, who had a "visible admixture of African blood," and fixed severe penalties for failure to comply with the law. Upon challenge the applicant was required to secure two witnesses and to answer a set of questions designed to be exceptionally repulsive to him. If the applicant or either of his witnesses failed to answer any of the required questions, he was to be denied the right to vote. The act went further and exempted the election officers from civil liability for refusing the right to vote on the ground that the applicant was not white. The court held the

<sup>33</sup> *Brewer v. McClelland*, 144 Ind. 423 (1895); *Morris v. Powell*, 125 Ind. 281 (1890).

<sup>34</sup> *Attorney General v. Detroit*, 78 Mich. 545 (1895). See also: *State v. Moorehead*, 95 Neb. 80 (1914); and *State v. Moorehead*, 96 Neb. 559 (1914).

<sup>35</sup> Oregon, Missouri, Ohio, and other states.

<sup>36</sup> The U. S. Supreme Court held in the recent case of *Nixon v. Herndon*, 47 Sup. Ct. R. 446 (1927) that a Texas statute which prohibited Negroes from participating in the Democratic primary was unconstitutional, on the ground that it violated the guarantee to equal protection of the laws of the Fourteenth Amendment.

act invalid as an unreasonable discrimination against one class of voters.<sup>36</sup>

It is a matter of common knowledge that the registration systems of the Southern states are designed to disfranchise the Negro. In practically every state of the South requiring registration, the applicant for registration must prove his qualifications to vote "to the satisfaction of the registration officer" -- a provision which vests such wide discretion in the registration officers that it permits them to refuse arbitrarily to register Negro applicants. In several states the applicant is required to be able to read any section of the constitution and "to give a reasonable interpretation thereof."<sup>37</sup> This provision vests almost unlimited discretion in the hands of the registration officers, who are to determine whether the explanation is "reasonable."<sup>38</sup> In holding a South Carolina registration law of 1894 unconstitutional, the federal court pointed out the illegal motive of the law, though the decision was made upon another ground.<sup>39</sup> Since that time the Southern states have made the registration provisions a part of their state constitutions, so that they can be contested only on the ground of violating the United States Constitution. In an equity suit brought before the United States Supreme Court to secure relief against the discriminatory administration of the registration law of Alabama, the court held that a remedy did not lie at equity, for there was involved a political rather than a property right; the Supreme Court was, furthermore, unable to afford relief, since to do so would involve the setting up of a registration system of its own, and this was beyond the power of the court.<sup>40</sup>

**Registration Laws of Limited Application.** Practically every state with one or more large cities has registration provisions which apply only to such cities, and it is not uncommon for the state law to set up several separate and distinct registration

<sup>36</sup> *Monroe v. Collins*, 17 Oh. St. 665 (1867).

<sup>37</sup> Virginia Constitution, Sec. 18; Mississippi Constitution, Sec. 214

<sup>38</sup> See page 157.

<sup>39</sup> *Mills v. Green*, 67 Fed. 818 (1895).

<sup>40</sup> *Giles v. Harris*, 189 U. S. 475.

systems for cities of different sizes and for rural sections.<sup>41</sup> This is entirely reasonable and wise. Inasmuch as the conditions surrounding the polls in large cities are quite different from those in the small city, village, or rural section, greater safeguards and more stringent registration provisions are required. Practically all of the registration laws are based upon a reasonable classification according to population.<sup>42</sup> The largest cities, such as New York City, Chicago, Philadelphia, Detroit, Milwaukee, Baltimore, and New Orleans, are governed by some provisions in the law which do not apply to any other city of the state. Several of these cities have an entirely separate and distinct registration law, which, under the circumstances, is altogether reasonable. In a number of states registration is required only in cities of a certain population, which amounts to a classification on the basis of population.<sup>43</sup>

The courts of many states have pointed out the necessity and wisdom of a reasonable classification of cities for the purpose of enacting registration laws.<sup>44</sup> Such laws have been attacked upon the ground that they violated the guarantees of "equal protection of the laws" and "due process" of the Fourteenth Amendment of the United States Constitution, but it is well settled that this amendment does not prohibit a reasonable classification nor require laws to be uniform throughout the state.<sup>45</sup>

Registration laws of limited application have also been attacked on the ground that they violate certain provisions in the state constitutions. Most of the state constitutions provide that elections shall be "free and equal," and some require that they

<sup>41</sup> For example, Colorado has one law applicable to places of less than 2000 population, another for cities and towns of from 2000 to 5000 population, and a third system for cities of over 5000 population.

<sup>42</sup> For an example of special laws under the guise of classification, see the registration laws of Tennessee.

<sup>43</sup> See page 93.

<sup>44</sup> *Patterson v. Barlow*, 60 Pa. 54, at 75-80 (1869); *State v. Butts*, 31 Kan. 537, at 550 (1884); *Commonwealth v. McClelland*, 83 Ky. 686 (1886); and *Ahern v. Elder*, 195 N. Y. 493 (1909).

<sup>45</sup> *Barbier v. Connolly*, 113 U. S. 27 (1885); *Missouri v. Lewis*, 101 U. S. 22 (1879); *Mason v. Missouri*, 179 U. S. 328 (1900); and *People v. Gordon*, 274 Ill. 462 (1916), reviewing cases.

shall be "general." These provisions taken together have been held to be about the equivalent of "equal protection of the laws." "In many states there are prohibitions upon the enactment of special or local laws upon subjects which may be covered by a general law. It has been repeatedly held that a law may be "general" without applying to the entire state." A law of limited application is general, and not special or local, if it is based upon a reasonable classification." A classification for the enactment of registration laws may be entirely reasonable, while the same classification for other purposes may not be." Laws which classified cities upon the basis of a particular census," or upon a distinction at the date of enactment," have been held invalid. Optional registration laws have been enacted in a number of states, and though attacked upon various grounds, have been uniformly upheld."

The constitutions of a number of states provide that election laws shall be "uniform," and in two states that registration laws shall be "uniform." "The courts have held that the term "uniform" does not require a geographical uniformity," unless the constitution specifically requires uniformity throughout the state." Laws of limited application based upon a reasonable classification are valid, and laws which provide a reasonable classification of voters do not violate the constitutional guarantee of uniformity."

"6 Ruling Case Law 420.

"People v. Gordon, 274 Ill. 462 (1916); People v. Earl, 94 P. 294 (Colo., 1908); Ladd v. Holmes, 66 P. 714 (Ore., 1901).

"State v. Miller, 100 Mo. 606; State v. Hammer, 42 N. J. L. 440; People v. Earl, 94 P. 294 (Colo., 1908); Ladd v. Holmes, 66 P. 714.

"The Supreme Court of Illinois held a law providing special primary regulations for Cook County and Chicago to be an unreasonable classification, People v. Election Commissioners, 221 Ill. 9 (1906), though it has upheld a registration law with special provisions for Chicago.

"State v. Mitchell, 31 Oh. St. 592; State v. Anderson, 44 Oh. St. 247.

"State v. Donovan, 20 Nev. 75.

"Contracting Co. v. Ward, 85 Fed. 27; People v. Gordon, 274 Ill. 462 (1916), citing cases.

"Delaware and Maryland.

"Ensworth v. Albin, 46 Mo. 450 (1870).

"This is provided by the constitutions of a few states, for example, Pennsylvania.

"Patterson v. Barlow, 60 Pa. St. 54 (1869).

In many states the constitutions require the legislature to govern municipalities by general laws, and place various restrictions upon the classifications of cities. It has been held that these constitutional provisions do not apply to registration laws, on the ground that they apply only to strictly corporate municipal subjects, as distinguished from subjects which involve the relation of the state to its citizens.<sup>87</sup>

The effect of municipal home rule upon election laws has never been definitely settled. Some of the judicial decisions have been favorable to the municipalities, while others have held that elections are not a matter of municipal law and government, and are not included within the home rule grant.<sup>88</sup> Whether home rule gives the municipalities power to provide a separate registration for municipal elections, or limits the power of the legislature in enacting registration laws, has never been brought before the courts. Since registration is a mode of determining who are qualified voters under the suffrage provisions of the state constitutions,<sup>89</sup> it would seem that it definitely falls outside of the scope of municipal home rule. It would be unfortunate to provide a separate and distinct system of registration for municipal elections, because of the additional cost, inconvenience to the electors, and confusion which would result. Furthermore, it would be contrary to public policy to permit municipalities to exempt municipal elections from the requirement of registration, for election frauds are fully as prevalent in municipal as in state or national elections. There should be one registration system for all elections, and since the municipalities under home rule cannot provide registration for state and national elections, it would be unwise to hold that they may adopt a separate registration system.

<sup>87</sup> *People v. Earl*, 94 P. 294 (Colo., 1908), citing cases.

<sup>88</sup> See H. L. McBain, *The law and practice of municipal home rule*.

<sup>89</sup> There are a few decisions to the effect that the constitutional provisions regarding suffrage do not apply to municipal elections: *State v. Dillon*, 12 So. 383 (Fla., 1893); *Davis v. City Council of Dawson*, 17 S. E. 110 (Ga., 1893); *Buckner v. Gordon*, 81 Ky. 665 (1884); *Ledgerwoods v. Pitts*, 125 S. W. 1036 (Tenn., 1910).



Practically every state with municipal home rule also has a state registration law which requires registration for municipal as well as other elections, and frequently the cities are classified in a way that would be invalid if applied to municipal affairs.<sup>60</sup> It has never been supposed that these laws violated the guarantee of municipal home rule, and no case has ever been brought before the courts on the point.<sup>61</sup>

**The Application of Registration Laws.** Practically all registration laws are made by specific provision to apply to general state and county elections. Consequently, few cases have been brought before the courts concerning the application of registration to these elections. The cases have arisen over the so-called minor elections: municipal, school, special, and bond elections, and primaries. The rules of interpretation concerning the application of registration laws have now become well established.

The courts interpret strictly the provisions of a registration act concerning the elections to which it applies.<sup>62</sup> The cases always arise after an election has been held without a registration. If there is a reasonable doubt as to the meaning of the law, an election that has been fairly conducted will be upheld. The legislature has full power to fix the application of the law, but it must do so in unmistakable terms.

Registration acts are frequently made applicable to all "general" elections, which raises the question as to what elections are included within that term. In some states the term "general" is defined by statute,<sup>63</sup> but where it is not the courts have

<sup>60</sup> Particularly Ohio, Wisconsin, Minnesota, and Nebraska.

<sup>61</sup> An opinion of the Attorney General of Wisconsin, May 26, 1927, held valid a registration bill which provided registration for municipal elections, and which classified cities in a way prohibited by the home rule amendment for municipal matters. The opinion rested largely upon the ground that registration was a mode of ascertaining the qualifications of persons to exercise the suffrage, and hence a state matter, but was also based upon a specific grant of power by the state constitution to the legislature to provide registration.

<sup>62</sup> *Graves v. Seattle*, 8 Wash. 248 (1894).

<sup>63</sup> For example Wisconsin, Sec. 603 of the Revised Statutes.

held that it includes all elections which recur at fixed intervals, including regular municipal elections.<sup>64</sup> If the statute provides that registration shall be required for "all elections" it would seem that this should be interpreted literally, and so the courts have held in some decisions,<sup>65</sup> but in a few states "all elections" has been interpreted to mean only the elections of public officers,<sup>66</sup> and does not include special elections to determine whether the county seat shall be moved,<sup>67</sup> or a special local option election.<sup>68</sup> The reasoning of the courts in these latter cases was, however, severely strained in an effort to uphold an election that had been fairly conducted.

The courts are divided upon the question as to whether primaries are elections in the sense of being included within the constitutional provisions of suffrage and the registration statutes. In a number of states the courts have upheld primary laws on the ground that they were not elections.<sup>69</sup> The laws tested in these cases usually provided that only electors who declared their party allegiance could vote in the primary of the party, and the court viewed this as an additional qualification for voting, and hence unconstitutional if the primary were held to be an election. Other courts, however, have held that primaries are elections, which would seem to be reasonable and in accordance with public policy.<sup>70</sup> The United States Supreme Court in the case of *Newberry et al v. United States*<sup>71</sup> was divided on the question as to whether a primary is an election, and while the decision held

<sup>64</sup> *People v. Berkeley*, 102 Cal. 298 (1894).

<sup>65</sup> *Pitkin v. McNair*, 56 Barber (N. Y.) 75 (1867); *Mays v. City of Jackson*, 94 S. E. 1006 (Ga., 1918).

<sup>66</sup> 14 L. R. A. N. S. 850; *Willis v. Kalmbach*, 64 S. E. 342 (Va., 1909).

<sup>67</sup> *Boren v. Smith*, 47 Ill. 482 (1868).

<sup>68</sup> *Bew v. State*, 77 Miss. 1 (1893).

<sup>69</sup> *Gulden v. Johnson*, 87 Minn. 221 (1902); *Morrow v. Wipf*, 115 N. W. 1129 (S. D., 1908); *Riter v. Douglass*, 32 Nev. 400 (1910), reviewing cases; *State v. Nichols*, 50 Wash. 508 (1908); *Ledgerwood v. Pitts*, 125 S. W. 1036 (Tenn., 1912); *State v. Flaherty*, 136 N. W. 76 (N. D., 1912), reviewing cases; *Kelso v. Cook*, 184 Ind. 173 (1915).

<sup>70</sup> *Spier v. Baker*, 120 Cal. 370 (1898); *Rouse v. Thompson*, 228 Ill. 522 (1907); *People v. Strassheim*, 240 Ill. 279 (1909); *Ladd v. Holmes*, 66 P. 714 (Ore., 1901); *Ex parte Wilson*, 125 P. 739 (Okla., 1912).

<sup>71</sup> 256 U. S. 232 (1920).

an act of Congress regulating campaign expenditures in Senatorial primaries void, only four judges were agreed that a primary was not an election. It has been held by some courts that the requirement of party allegiance was not an additional qualification for voting, but rather a means of ascertaining in which primary the elector should vote.<sup>72</sup> In states where the primary has been held not to be an election, the terms of the registration act must specifically include primary elections in order to apply to them.

The context of a registration act may definitely restrict it to certain elections. If, in defining its scope, the statute enumerates certain elections to which it is applicable,<sup>73</sup> or states that registration shall be required for the elections of public officers,<sup>74</sup> or enumerates certain public officers,<sup>75</sup> or specifies state and federal elections, such enumeration excludes all other elections. If an act providing for an election makes compliance with the registration law impossible (for example, permitting the calling of a special election within a shorter time than that required for the conduct of registration), it will be held that the legislature meant to exempt the election from the application of the registration law.<sup>76</sup> So an election law which made no provision for the necessary details in connection with the conduct of registration was held impliedly to exempt the election from the application of the registration law.<sup>77</sup>

**Failure to Conduct Registration.** It is well established that failure to conduct registration when required by law will invali-

<sup>72</sup> *Ladd v. Holmes*, 66 P. 714; *Ex Parte Wilson*, 125 P. 739. Contra: *Spier v. Baker*, 120 Cal. 370.

<sup>73</sup> *Opinion of the Justices*, 124 Mass. 597 (1878).

<sup>74</sup> *Seymour v. Tacoma*, 6 Wash. 138 (1893).

<sup>75</sup> *Stephens v. Mayor of Albany*, 11 S. E. 150 (1890); *Kagler v. Roberts*, 15 S. E. 542 (1892).

<sup>76</sup> *People v. Ohio Grove Town*, 51 Ill. 191 (1869), where the city council was authorized to call an election within ten days, but registration was to be closed three weeks prior to an election; accord: *Shoshone Highway District v. Anderson*, 125 P. 219 (Idaho, 1912); *Gray v. Taylor*, 227 U. S. 51 (1913).

<sup>77</sup> *Luzader v. Sargeant*, 4 Wash. 299 (1892).

date the ensuing election. This is true where no registration list was prepared and used at the polls," and also where the registration officers failed to hold a revision session prior to the election, but used the old registration list at the polls." To hold valid an election which has been conducted without registration as required by law would operate to do away with the safeguards provided by the legislature against frauds, and to make the operation of the law optional with the local officers. There are, however, a few decisions holding that the failure to conduct registration as required by law will not invalidate an election. In Maine and Minnesota the courts have held that a registration act was directory rather than mandatory, and that an election held without prior registration was valid.<sup>28</sup> The registration statutes held to be directory did not require personal application by the electors, merely providing that the precinct officers should prepare a list of qualified electors prior to the election. It should be noted that the electors would not know whether the registration officers had performed their duty or not.

The Supreme Court of North Dakota upheld an election conducted without registration in which all of the voters submitted affidavits as required of unregistered electors.<sup>29</sup> In a similar New Mexico case the court ruled that, in the absence of proof to the contrary, it would assume that the majority of the electors had submitted affidavits as required by law, and accordingly held the election valid.<sup>30</sup> In another case where it was impossible for the registration officers to prepare the registry list, owing to failure of preceding officers to perform their duty, the election

<sup>28</sup> *People v. Laine*, 33 Cal. 55 (1867); *Foley v. Keppelkom*, 16 Mich. 342 (1868); *Nefzger v. D. and P. Railway*, 36 Iowa 642 (1873); *State v. Frazier*, 98 Mo. 426 (1889); *Smith v. Skagit Co. Commissioners*, 45 Fed. 725 (1891); *Fitzmaurice v. Willis*, 127 N. W. 95 (N. D., 1910); *Fish v. Kugel*, 165 P. 249 (Colo., 1917); *King v. State*, 222 P. 960 (Okla., 1924); *Eagle v. Board of Education*, 125 S. E., 165 (W. Va. 1924).

<sup>29</sup> *Pitkin v. McNair*, 56 Barber 75 (N. Y., 1867); *Perry v. Whitaker*, 71 N. C. 475 (1874).

<sup>30</sup> *Taylor v. Taylor*, 10 Minn. 81 (1865); *Edson v. Child*, 18 Minn. 43 (1871); *In re Opinion of the Justices*, 126 A. 354 (Me., 1924).

<sup>31</sup> *Powers v. Hamilton*, 132 N. W. 664 (N. D., 1911).

<sup>32</sup> *State v. Bridges*, 199 P. 370 (New Mex., 1921).

was held valid.<sup>53</sup> A recent Kentucky decision upheld a special election conducted without a prior revision of the registration, on the ground that the result of the election could not have been changed by the few electors who were thus deprived of the right to vote.<sup>54</sup>

If an election is held invalid in one or a few precincts because of failure to conduct a registration, this will not invalidate the entire election for the city or county, unless the result of the election was changed or placed in doubt by throwing out these precincts.<sup>55</sup> The entire election will be voided if the failure to provide registration was caused by the willful negligence of a public official who stood to profit by the invalidating of the election in certain precincts.

**Registration Under an Unconstitutional Law.** Registration conducted under a law is subsequently held unconstitutional or otherwise invalid will not void an election which has been fairly conducted under the law.<sup>56</sup> When the voters and the election officers act upon such a law in good faith, there is no sound reason for invalidating the election.

**The Effect of Registration Laws Upon the Elector.** In states where registration is compulsory failure to register according to law will deprive a person who is otherwise qualified of the right to vote.<sup>57</sup> An application for registration is not sufficient, for a person refused registration, in order to exercise the suffrage, must make an appeal to the proper authorities before the day of election.<sup>58</sup>

In several states provision is made whereby an unregistered elector may swear in his vote at the polls.<sup>59</sup> The courts interpret

<sup>53</sup> *Mussey v. White*, 3 Me. 290 (1825).

<sup>54</sup> *Fall v. Read*, 194 Ky. 135 (1922).

<sup>55</sup> *Zeiler v. Chapman*, 54 Mo. 502 (1874); *Martin v. McGarr*, 117 P. 323 (Okl., 1910).

<sup>56</sup> *Wiley v. Reasoner*, 138 P. 250 (Ore., 1914; *Parker v. Clatsop*, 138 P. 239 (Ore., 1914); *State v. Ruhe*, 24 Nev. 251 (1898) (dictum); *Weil v. Calhoun*, 25 Fed. 865 (Ga., 1885) (dictum); contra: *Smith v. Wilmington*, 4 S. E. 489 (N. C., 1887).

<sup>57</sup> All the decisions upholding compulsory prior registration assume that an unregistered elector will be deprived of the right to vote. See page 306.

<sup>58</sup> 6 A. L. R. 694.

<sup>59</sup> See Chapter IV.

strictly the procedural requirements for this action, and hold that compliance with the law is mandatory upon the elector as well as upon the election officers.<sup>80</sup> An affidavit which does not comply with the state law will not be sufficient, even though the form of the affidavit was supplied by the election officers and acted upon in good faith by the electors.<sup>81</sup> In Minnesota, however, the provisions for swearing in votes at the polls have been held to be directory.<sup>82</sup> The requirement of *six* signers of the affidavit of an unregistered elector was held to be directory in an Oregon decision, which also held that it should be assumed that the election officers complied with the law in the absence of proof that they did not.<sup>83</sup>

A few Southern states provide that each registered elector shall be given a certificate of registration, which he is required to produce at the polls.<sup>84</sup> The courts have held this to be mandatory, not only upon the election officers to require the presentation of the certificate, but also upon the elector himself to produce it. If the elector is unable to present his certificate when required to do so by the election officers, he cannot be permitted to vote, even though his name is on the registry list and he is otherwise qualified.<sup>85</sup> In several cases elections were held invalid when it was shown that the election officers failed to require the electors to present their certificates.<sup>86</sup> It would seem that these

<sup>80</sup> *State v. Lean*, 9 Wis. 279 (1859); *State v. Stumpf*, 23 Wis. 630 (1869); *Doerflinger v. Hilmantel*, 21 Wis. 544 (1867), in *re McDonough*, 105 Pa. 488 (1885).

<sup>81</sup> *Cusick's Election*, 136 Pa. 459 (1890); *State v. Trask*, 135 Wis. 333 (1908).

<sup>82</sup> *Clayton v. Prince*, 129 Minn. 118 (1915).

<sup>83</sup> *Tazewell v. Davus*, 130 P. 400 (Ore, 1913).

<sup>84</sup> Kentucky and South Carolina, but other states provide the certificate without requiring it to be presented at the polls. See Chapter VII.

<sup>85</sup> *White v. Reagan*, 25 Ark. 622 (1869); *Yates v. Collins*, 118 Ky. 682 (1904) (Leading case, holding valid also a charge of fifty cents for a duplicate certificate); *Wright v. State Board of Canvassers*, 57 S. E. 536 (S. C., 1907); *De Haven v. Bowner*, 125 Ky. 800 (1907); *Felts v. Edwards*, 204 S. W. 145 (Ky., 1918).

<sup>86</sup> *Taylor v. Betts*, 141 Ky. 138 (1910), but in two other cases the election was held valid because the number of voters who failed to show their certificates was so few that the result of the election could not have been changed: *State v. State Board of Canvassers*, 59 S. E. 145 (S. C., 1907); *Hardy v. Russell*, 181 Ky. 287 (1918).

decisions are unreasonable and contrary to the usual policy of interpreting liberally the right of the elector to exercise the suffrage." The registration certificate was provided in these states as one means of deterring the Negro from voting. The courts have not always acted in good faith in handing down their decisions on this matter. The Supreme Court of South Carolina stated in one decision, "It is not expedient to discuss here the advisability of this legislation, but we think it is very clear."<sup>1</sup>

A federal court in 1894, holding invalid a registration act of South Carolina, denounced the requirement in no uncertain language, stating that it was "unreasonable, burdensome, harassing, and clearly it impedes and abridges the right of the constitutional voters of the state to cast their ballots."<sup>2</sup> An Oregon decision held invalid that part of a statute which required the voter to produce an affidavit signed by two witnesses in order to secure a duplicate certificate in case of loss, though the statute did not require the production of the certificate at the polls.<sup>3</sup>

In practically every state the applicant for registration is required to take an oath, either that he will truthfully answer the questions put to him concerning his qualifications to vote, or that he is a qualified elector. Registration laws everywhere provide that he shall not be registered if he refuses to take the oath or to answer the prescribed questions. In many states he is required to appear personally, and where registration is conducted in the precincts, he must register in the precinct in which he resides.<sup>4</sup>

A registration list is *prima facie* evidence of the right of persons on the list to vote,<sup>5</sup> and this presumption applies to

<sup>1</sup> See page 324.

<sup>2</sup> *State v. State Board of Canvassers*, 59 S. E. 145 (S. C., 1907).

<sup>3</sup> *Mills v. Green*, 67 Fed. 818 at 830 (S. C., 1895).

<sup>4</sup> *City of Portland v. Coffey*, 135 P. 358 (Ore., 1913).

<sup>5</sup> *State v. Bond*, 38 Mo. 425 (1886); *Stinson v. Sweeney*, 17 Nev. 309 (1183); *State v. Weaver*, 122 S. W. 464 (Tenn., 1909).

<sup>6</sup> *Harris v. Whitcomb*, 70 Mass. 433 (1855); *State v. Nicholson*, 9 S. E. 545 (N. C., 1889); *Wilson v. Bartlett*, 62 P. 416 (Idaho, 1900); *Gass v. Evans*, 244 Mo. 329 (1912).

all the essential qualifications for voting.<sup>6</sup> In a proceeding to strike off the name of any person from the registry list, or in a challenge case at the polls, this presumption must be combatted by the introduction of evidence to prove lack of an essential qualification. Some of the early registration laws made registration conclusive of the right to vote, but even in these states a challenge was permitted on the ground that the registered elector had removed from the precinct.<sup>7</sup> The general rule is that registration is only *prima facie* evidence of the right to vote; the election officers may entertain a challenge of that right upon any part of the qualifications of suffrage.<sup>8</sup>

A registration list is conclusive that the persons whose names are on the list are registered, and those whose names are not on the list are not registered.<sup>9</sup> So it has been held that a bond election cannot be invalidated by an attempt to prove that some of the persons whose names were on the list were not registered, for the purchasers of the bonds cannot be required to investigate whether the registration has been properly conducted.<sup>10</sup> Where it is necessary to ascertain the number of qualified electors at any election, if registration is applicable to the election, the number of registered electors will be taken as conclusive of the number of persons qualified to vote.<sup>11</sup> In some states a separate and distinct registration of voters is provided for special referenda elections, and this list is conclusive of the number of qualified electors for that election.<sup>12</sup> If the affirmative vote is

<sup>6</sup> Harbaugh v. Cicott, 33 Mich. 241 (1876).

<sup>7</sup> Hyde v. Brush, 34 Conn. 454 (1867); Auld v. Walton, 12 La. Ann. 129 (1857); State v. O'Hearne, 6 Atl. 606 (Vt., 1886). See also: Moore v. Bay, 131 Atl. 459 (Md., 1925), holding that a registration law of local application made registration conclusive.

<sup>8</sup> It was held in one case that registration is not even *prima facie* evidence of the right of the registered person to vote, but this is not the usual rule; Bew v. State, 77 Miss. 1 (1893).

<sup>9</sup> Shepherd v. Sartain, 185 Ala. 439 (1913).

<sup>10</sup> Claybrook v. Commissioners of Rockingham Co., 23 S. E. 360 (N. C., 1895).

<sup>11</sup> Southerland v. Goldsborough, 1 S. E. 760 (N. C., 1887); Mayor of Decatur v. Wilson, 23 S. E. 240 (Ga., 1895); Carver v. Mayor, 25 S. E. 832 (Ga., 1896).

<sup>12</sup> Pacific Implement Co. v. City of Clarksdale, 74 Fed. 528 (Miss., 1896).



not a majority of all registered voters, the courts will not purge the registers after the election in order to reduce the number of registered voters."

Registration lists are not conclusive upon the courts. They will hear appeals from persons denied registration, and, in a direct proceeding, take action to purge the lists prior to an election." The court will hear evidence concerning the qualifications of registered electors in a contested election," but will not purge the registers in a collateral proceeding."

**The Effect of Irregularities and Defects.** It is a well established policy of the courts of this country to hold valid an election which has been fairly administered and in which a true expression of the public has been secured, in spite of irregularities and defects in the administration of registration or the conduct of the election. Detailed statutory provisions concerning the conduct of registration and elections are held to be directory, except when such a ruling would clearly defeat the purpose of the law and open up the election to frauds, or when made mandatory by their own terms." The failure of the registration officers to comply with the minute statutory provisions will not invalidate an election, though these provisions are mandatory upon the officers and may be enforced by direct proceedings brought for that purpose before the day of the election." The reasoning of the courts in regard to irregularities is well expressed in a Pennsylvania decision of fifty years ago:

An election is the embodiment of the popular will, the expression of the sovereign power of the people. When the application of technical rules and a strict construction of the acts of officers in preparing the election papers and conducting the election

<sup>11</sup> *Smith v. Police Jury*, 51 So. 701 (La., 1910), *Turregano v. Whittington*, 61 S. 525 (La., 1913).

<sup>12</sup> *Assessor's Lists of Voters*, 10 Pa. Dist. 624 (1901).

<sup>13</sup> *Horton v. Sullivan*, 86 Atl. 314 (R. I., 1913); *Rawl v. McGown*, 81 S. E. 958 (S. C., 1914). *Contra*: *Perez v. Cognevich*, 100 So. 444 (La., 1924).

<sup>14</sup> *Smith v. Police Jury*, 51 So. 701 (La., 1910).

<sup>15</sup> *People v. Cook*, 8 N. Y. 67 (1853); *State v. St. Bd. Canvassers*, 59 S. E. 145 (S. C., 1907).

<sup>16</sup> *Jones v. State*, 55 N. E. 229 (Ind., 1899).

would tend to defeat the will of the people and change the result of an election for an important office, they should not be applied, and all reasonable intendments should be made in favor of the legality of their proceedings."<sup>17</sup>

The courts will not throw out a few precincts upon technicalities, and thereby alter the result of the election and defeat the true will of the voters. Irregularities are bound to occur in the conduct of registrations and elections. Few registrations and elections are ever conducted in any precinct in a perfectly regular manner. The registration and election laws of many states consist of two hundred or more pages of fine print, and the very minuteness of the statutory provisions makes it impossible for the precinct officers to comply with all the details of the law. The courts have recognized this fact, and in contested election cases look to the purpose and intent of the law rather than to minute details.<sup>18</sup>

A distinction is made between the duties placed upon the election officers and those placed upon the voters themselves. The voters individually or collectively will not be deprived of the right to vote and to have their ballots counted because of the failure of an election officer to comply with the procedural requirements of the statutes, provided the election has been fairly conducted and the results not changed or placed in doubt by the irregularities.<sup>19</sup> The voters cannot be expected to know the detailed provisions of the law and to inspect the work of the registration or election officers to see that they are followed. If the minute directions contained in the law were held to be mandatory, the election officers could wilfully deprive qualified voters of the suffrage right and political machines could manipulate the election by causing certain precincts to be thrown out.

While those provisions of the law which place a duty directly upon the voter are interpreted more strictly than those which place a duty upon the officers, yet even the former are not always

<sup>17</sup> Contested Election of E. R. Wheelock, 82 Pa. 297 (1876).

<sup>18</sup> Gass v. Evans, 244 Mo. 329 (1912).

<sup>19</sup> Jones v. State, 153 Ind. 440 (1899); Hardy v. Russell, 181 Ky. 287 (1918); Stinson v. Sweeney, 17 Nev. 309 (1883).

held to be mandatory. If the voter is registered and has been permitted to vote, his vote will not be thrown out because of his failure to comply with the detailed provisions, except those which are expressly made mandatory by the statute itself or which are essential to the purity of the election.<sup>20</sup> The presumption is always made that the election and registration officers performed their duty, and that the persons who voted were duly qualified.

As a general rule it is mandatory to have the registers at the polls.<sup>21</sup> An election which was conducted without having on hand the assessor's list of qualified voters was not vitiated, but it should be noted that the assessor's list is not the same as a registry list.<sup>22</sup> In one case where the registers were lost or destroyed by fire it was held that this did not invalidate the following election,<sup>23</sup> or deprive the registered voter of his right to vote, even though he failed to register at a special session provided for a new registration.<sup>24</sup> It has also been held that it does not vitiate an election to use a copy in the place of the official register.<sup>25</sup>

A registration conducted by officers who were not regularly appointed, or who had some defect in their title to office was not thereby invalid.<sup>26</sup> The failure of the appointing officer to appoint the proper number of officers, or the absence of some of the officers from the registration sessions or from the polls

<sup>20</sup> *State v. Lattimore*, 26 S. E. 638 (N. C., 1897), *Woodall v. Western Wake Highway Commission*, 97 S. E. 226 (N. C., 1918), citing cases; *Bryer v. Sevigny*, 106 Atl. 155 (R. I., 1919), *People v. Earl*, 94 P. 294 (Colo., 1908). Note though that the provisions for swearing in unregistered voters at the polls are usually held to be mandatory, and also the requirement in some Southern states that the voter present his certificate of registration at the polls. See page 321.

<sup>21</sup> *Fitzmaurice v. Willis*, 127 N. W. 95 (N. D., 1910), contra *Taylor v. Taylor*, 50 Minn. 51 (1895), *Edson v. Childs*, 18 Minn. 43 (1871); *Links v. Anderson*, 168 P. 605 (Ore., 1917). In Minnesota and Oregon registration prior to the election is not compulsory.

<sup>22</sup> *Contested Election of E. R. Wheelock*, 82 Pa. 297 (1876).

<sup>23</sup> *Hampton v. Waldrop*, 10 S. E. 694 (N. C., 1889).

<sup>24</sup> *State v. Le Blue*, 52 So. 849 (La., 1910).

<sup>25</sup> *Hunter v. Senn*, 39 S. E. 235 (S. C., 1901).

<sup>26</sup> *Sprague v. Norway*, 31 Cal. 173 (1866), *State v. Nicholson*, 9 S. E. 545 (N. C., 1899).

will not vitiate the registration or election." Similarly, it has been held that an election will not be voided because the registration board was not bi-partisan, as required by law," or because the officers failed to take the oath," or to organize as required by law." It has been repeatedly held that a registration conducted even by a third party with no title to office, if fairly conducted, will not deprive the voters of the right to vote and have their ballots counted."

In a leading case upon irregularities in the conduct of registration, *State v. Baker*," the court found that in one ward the registrars did not meet at all, though a single list was later prepared by one of the registrars and the county clerk. This list did not contain the addresses of the registered voter, nor was it certified, posted, and filed according to the state law. In another ward the registrars met for one session, but failed to hold a revision session as required by law. In one town no registration sessions were held in any ward, but a few days before the election some of the officers from each ward met with the mayor and prepared registration lists. The court upheld the election on the ground that the failure of the registration officers to comply with the law should not be permitted to deprive the qualified voters of their constitutional right of the suffrage. The court said:

They (the voters) may accept the registers *de facto* as they accept the inspectors *de facto*. They are no more bound to inquire into the qualifications *de jure* of the registers than into the qualifications *de jure* of the inspectors. It is enough for the voters to find at the election acting inspectors using actual registers *virtute officii*. They need look no further to see if

" *State v. Stumpf*, 21 Wis. 586 (1867); *Frost v. Wilson*, 62 N. Y. 186 (1875); *Sanders v. Locke*, 142 Mo. 255 (1897).

" *Sanders v. Locke*, 142 Mo. 255 (1897); *State v. Sadler*, 25 Nev. 131 (1899).

" *People v. Cook*, 8 N. Y. 67 (1853); *Sanders v. Locke*, 142 Mo. 255 (1897).

" *Frost v. Wilson*, 62 N. Y. 186 (1875).

" *Keller v. Chapman*, 34 Cal. 635 (1868), *State v. Weed*, 60 Conn. 18 (1891); *State v. Lattimore*, 26 S. E. 638 (1897); *State v. Sadler*, 25 Nev. 131 (1899); *Huston v. Anderson*, 145 Cal. 320 (1904).

" 38 Wis. 71 (1875).

their vote has been challenged by statute. Their constitutional right cannot be baffled by latent official failure or defect.

Statutory provisions concerning the time of performance of a public function by an officer are usually held to be directory. Accordingly, a registration will not be voided by the failure of the registration officers to conduct it at the proper time, unless it can be shown that the result was thereby affected.<sup>33</sup> The purpose of the state law in fixing the time for registration is to make sure that the voters will know when to register, and also to provide sufficient time. If the registration is held at another time, the voters actually notified, and the time provided sufficient, the election will be held valid,<sup>34</sup> unless the legislature clearly intended that the time stated in the statute should be mandatory.<sup>35</sup>

If registration is conducted at a place different from the one announced or provided by law, it will be held valid if the electors were notified of the new place for registration and qualified persons were not thereby denied the right to register.<sup>36</sup> In a North Carolina case the court held valid a registration which was conducted at the registrar's store instead of at the polling place as required by law.<sup>37</sup> In another case, however, a number of precincts were thrown out because the polls had been moved from one to six miles.<sup>38</sup> If the precinct lines are somewhat in doubt and a voter in good faith registers in a precinct in which he does not reside, his vote will not be thrown out.<sup>39</sup>

<sup>33</sup> *Ex. Part Heath and Others*, 3 Hill 42 (N. Y., 1842); *People v. Earl*, 91 P. 294 (Colo., 1908).

<sup>34</sup> *People v. Keeling* 4 Colo. 129 (1878); *Stinson v. Sweeney*, 17 Nev. 309 (1883); *Bethu v. Town of Dillon*, 74 S. E. 983 (S. C., 1912); *Hill v. Skinner*, 86 S. E. 351 (N. C., 1915).

<sup>35</sup> *Taylor v. Betts*, 141 Ky. 138 (1910), holding mandatory the statutory requirement that registration be closed five days before the election.

<sup>36</sup> *Stinson v. Sweeney*, 17 Nev. 309 (1883); *State v. Baker*, 38 Wis. 71 (1875).

<sup>37</sup> *Davis v. Board of Education of Beaufort County*, 119 S. E. 372 (N. C., 1923). See also: *People v. Teague*, 11 S. E. 665 (N. C., 1890).

<sup>38</sup> *Knowled v. Yates*, 31 Cal. 82 (1866).

<sup>39</sup> *State v. Lattimore*, 26 S. E. 638 (1897); *State v. Sadler*, 25 Nev. 131 (1899).

The failure of the officers to administer the prescribed oath to applicants for registration, or an incorrect administration of the oath, will not invalidate the registration." The provisions governing the preparation of the registration records are uniformly held to be directory, and an election will not be vitiated or a qualified voter deprived of the right to vote by failure of the registration officers to enter the names in alphabetical order as required by law," to enter the address of the voter," or even to enter the name of a person who applied for registration." The failure of the registration officers to post the registration list as required by law will not vitiate the registration or the following election."

**Registration Officers.** The law of registration officers is, in most respects, identical with the law of election officers. No attempt will be made to state comprehensively the law of election officers, and the treatment will be confined as closely as possible to registration officers.

The qualifications, appointment and removal, compensation, and tenure of registration officers are usually fixed by statute. The judicial decisions in regard to these details are confined largely to an interpretation of the statutes." In North Carolina a registrar who was unable to read and write was removed from office, but another registrar charged with frequent intoxication was not." An early California election was held valid where it

"State v. Nicholson, 9 S. E. 545 (N. C., 1889); State v. Lattimore, 26 S. E. 638 (1897); Lane v. Bailey, 75 P. 191 (Mont., 1904); Huston v. Anderson, 145 Cal. 320 (1904); Gibson v. Board of Commissioners, 79 S. E. 976 (N. C., 1913); Jennigs v. McCown, 81 S. E. 958 (S. C., 1914).

"State v. Baker, 38 Wis. 71 (1875).

"State v. Baker, 38 Wis. 71 (1875); Stewart v. Wurts, 143 Ky. 30 (1911); in re Matthews, 128 N. Y. S. 537 (1911).

"State v. Lattimore, 26 S. E. 638 (N. C., 1897); Bray v. Baxter, 86 S. E. 163 (N. C., 1915); but in Patterson v. Hanley, 68 P. 821 (Cal., 1902), it was held that the votes of two persons who were duly registered and permitted to vote in the precinct in which they resided, should be thrown out because through a clerical error their registration records had been bound in the precinct register of another precinct.

"Sopher v. Sibley County Commissioner, 48 N. W. 112 (Minn., 1891).

"See Chapters V and VI.

"Mullen v. Morrow, 31 S. E. 1003 (N. C., 1898).

was proved that none of the election officers could read and write, and that an outsider read off the ballots to them." In most states election and registration boards are required to be bi-partisan, and in several states the appointing officer is required to make appointments from nominations by the party organizations. These requirements have usually been upheld."

The courts will remove an election or registration officer who is not a *bona fide* member of the party he is supposed to represent," though it is not necessary for a registrar to be in good standing with the dominant faction of the party, or support every measure and candidate of the party.<sup>60</sup> In some states, however, the party organization may require the removal of their own representatives upon the registration board."

The fact that the appointing officer is required to make appointments from party nominations does not relieve him of all discretion and responsibility. He can refuse to appoint the persons nominated," though he cannot refuse arbitrarily to appoint a competent person nominated by the party organization." If the party organization fail to make nominations as provided by law, the appointing officer may act without them, but must comply with the bi-partisan requirements." Similarly, if the party organization fail to nominate the required number of

<sup>60</sup> Sprague v. Norway, 31 Cal 173 (1866).

"People v. Hoffman, 116 Ill. 587, at 605-09 (1886) (Leading case); State v. Lewis, 91 Atl 993 (Del., 1914), reviewing cases of both sides. In the following decisions the principle of bipartisan representation was criticized, though the decision went upon other grounds: Page v. Allen, 58 Pa. St 338 (1865), Attorney General v. Detroit Common Council, 58 Mich. 213 (1885). The requirement that the appointing authority appoint from a list of nominees by the party organization was held invalid in State v. Washburn, 167 Mo 680 (1902); State v. Wright, 251 Mo. 325 (1913).

"Mullen v. Murrow, 31 S. E. 1003 (N. C., 1898); Selby v. County Commissioners, 19 Pa. Dist. 553 (1909).

"Jacquith v. Wellesley, 171 Mass. 138 (1898); Harkins v. Cathey, 28 S. E. 136 (N. C., 1896); State v. Public Schools, 134 Mo. 296 (1896).

"For example, New York, Election Laws, Sec. 145.

"Hutchinson v. Goshorn, 256 Pa. 69 (1917).

"State v. Kanawha, 88 S. E. 793 (W. Va., 1916).

"Harkins v. Cathey, 26 S. E. 136 (N. C., 1896).

qualified persons, the appointing officer may disregard all the nominations for that precinct."

The legislature usually provides that the two "leading" or "dominant" political parties shall be given representation upon registration boards, and it is common for the statute to prescribe how the "leading" or "dominant" parties shall be determined. In Milwaukee representation is given to each of the three leading political parties." Where only a single registration officer is used, there are no requirements for bi-partisan representation.

The civil liability of registration officers for refusing a qualified elector the right to register is about the same as that of election officers for refusing to permit a qualified elector to vote. There is a material difference between denial of registration and denial of the right to vote, for there is always time to appeal from the former before the day of election, while a denial of the right to vote is made at the polls when it is too late to make an appeal. The courts, however, have not made this distinction.

The duties of registration officers (and election officers) are partly ministerial and partly judicial, thus placing them in the class of quasi-judicial officers." It is well established that quasi-judicial officers are not liable for official acts within their jurisdiction when they act in good faith, or without malice, though their acts may be based upon an erroneous or mistaken judgment." Accordingly, registration officers are not liable for refusing to register a qualified elector, unless it can be shown that they acted knowingly and maliciously in violation of the law."

<sup>55</sup> *State v. Lewis*, 91 A. 993 (Del., 1914).

<sup>56</sup> Wisconsin Revised Statutes, Sec. 10.01.

<sup>57</sup> *Pike v. Megoun*, 44 Mo. 491 (1869); *Hanlon v. Partridge*, 69 N. H. 88 (1896); *Mechem*, Floyd R., *Law of public offices and officers*, Secs. 639, 696.

<sup>58</sup> *Mechem*, Sec. 638.

<sup>59</sup> *McCrary*, George W., *American law of election*, Sec. 289 et seq.; *Mechem*, Sec. 639 (note); 9 *Ruling Case Law* 35; *Pike v. Megoun*, 44 Mo. 491 (1869); *Freeman v. Selectmen of New Haven*, 34 Conn. 406 (1867); *Keenan v. Cook*, 12 R. I. 52 (1852); *State v. Smith*, 18 N. H. 91 (1846); *Perry v. Reynolds*, 53 Conn. 527 (1885); *Hanlon v. Partridge*, 69 N. H. 88 (1896).



The courts of Massachusetts, however, held that election and registration officers are liable in civil suits for denial of registration or denial of the right to vote, even though they acted in good faith," as for example a wrong interpretation of the law," or reliance upon a statute which was later held invalid." Ohio has followed the Massachusetts rule, but the courts of practically all the other states hold that the registration officers are not liable unless they acted maliciously and knowingly in denying registration.

The precinct officers may challenge an applicant whom they believe is unqualified, but in several states they are required to accept the prescribed oath or affidavit of the challenged person. Their duty to accept the oath or affidavit is ministerial, and they are civilly liable for refusal to do so.<sup>62</sup> Provisions of this kind, however, usually apply to the conduct of elections rather than to registration."

In order to recover damages for a denial of registration, the plaintiff must prove that he was qualified to vote, and was actually denied registration.<sup>63</sup> It is not necessary that he appeared at the polls to vote;" but if the registration officers, after denying him registration, reconsidered the case and entered his name upon the registration records, he cannot recover." The right to register and vote is so valuable that pecuniary damages are presumed without evidence of an actual loss of money or property. The amount of damages is an appropriate

<sup>62</sup> *Lincoln v. Hapgood*, 11 Mass. 350 (1814).

<sup>63</sup> *Henshaw v. Foster*, 9 Pickering (Mass.) 312.

<sup>64</sup> *Kinnern v. Wells*, 144 Mass. 497 (1887).

<sup>65</sup> *People v. Pease*, 27 N. Y. 45 (1863); *People v. Cicott*, 16 Mich. 302 (1868); *Wolcott v. Holcomb*, 97 Mich. 361 (1893). Contra: *U. S. v. Egan*, 30 Fed. 495 (Mo., 1887).

<sup>66</sup> In New York Statute, for example, Consolidated Laws, Secs. 205 and 169.

<sup>67</sup> *State v. Robb*, 17 Ind. 536 (1861); *Lombard v. Oliver*, 85 Mass. 1 (1866); *Vanderpool v. O'Hanlon*, 53 Iowa 246 (1880); *Lane v. Mitchell*, 153 Iowa 139 (1911), citing cases.

<sup>68</sup> *Bacon v. Benchley*, 56 Mass. 100 (1848); *Larned v. Wheeler*, 140 Mass. 390 (1886).

<sup>69</sup> *Bacon v. Benchley*, 56 Mass. 100 (1848).

subject for the jury, since the jurors are electors themselves and are qualified to adjudge the value of the right."

There are only a few cases involving the civil liability of the board of commissioners of the city or county, but unquestionably their liability is less than that of the precinct officers. It has been held that they are not liable for the acts of precinct officers under their jurisdiction on the ground that the precinct officers are not agents of the city or county board.<sup>66</sup> In another case it was held that the county board in purging the registration as authorized by law acted in a judicial capacity, and, therefore, was not liable for striking off the registration of a qualified person.<sup>67</sup>

<sup>66</sup> Wiley v. Sinkler, 179 U. S. 58 (1900).

<sup>67</sup> Murphy v. Ramsey, 114 U. S. 15 (1885).

<sup>70</sup> Fausler v. Parsons, 20 Am. Rep. 431 (W. Va., 1873).

## APPENDIX 1

### REGISTRATION AND ELECTION STATISTICS

A statistical study of the percentage of eligible citizens registered by wards in the largest cities in 1920 has been made to determine whether such data would yield any indication of voting frauds. The year 1920 has been taken because the United States census reports have been used to ascertain the number of eligible citizens. It should be pointed out that no attempt has been made to estimate the number of citizens who are ineligible because they have not satisfied the residence requirements. The proportion of such citizens would vary in different sections of the same city, and is undoubtedly very large in the transient wards.

A ward study of registration is of little significance unless account is taken of the political characteristics of the various wards. For this reason the wards of the various cities have been grouped into several classes. The first group consisting of the wards where fraud would most likely occur; the downtown, transient, machine controlled, lodging house, and slum sections of the city, and usually the crime center. The second group consists of a better section of the city, where fraud is less likely; and the third and fourth groups represent the best sections of the city where fraud is quite unlikely. In some cities the wards have been divided into three groups, with the second group containing the middle class residential wards and the third group the highest class residential wards. Of great significance is a comparison of the percentage of eligible voters registered in the lowest group with that in the higher groups. The wards contained in the first group should normally have a low percentage of eligible voters registered, due to the transient character of the

population. A high percentage, even though less than 100 per cent, indicates padded registration.

In Boston, Milwaukee, and San Francisco it is known that there are relatively few registration frauds, and the statistics for these cities may be taken to indicate the normal percentage for each group. In these cities the low percentage of eligible voters registered in the first group, where frauds would be expected, is to be noted. In San Francisco the average for this group for men and women is 23 per cent lower than that of the highest group, and for men only, 32 per cent lower. The variation in Milwaukee and Boston is nearly as pronounced. In Philadelphia however, the highest registration in the city is found in the first group, thus reversing the normal curve. In Chicago the percentage of eligible voters registered is about the same for all sections, indicating padded registration in the first group, but to a less extent than in Philadelphia. The statistics for New York City indicate registration frauds in Manhattan Borough, but little if any in Brooklyn.

The statistics for Baltimore indicate a relatively clean registration, for the percentage of eligible voters registered in the first group is quite low. This, however, may be partly accounted for by the large negro population which is found in the wards located in the first group.

Comparisons of the percentage of eligible voters registered in particular wards are even more striking than that of the groups in various cities. In both Chicago and Philadelphia there is a ward in the lowest group with over 100 per cent registration of male voters, and several other wards approaching 100 per cent of male registration. This obviously indicates organized padding on a large scale. Manhattan Borough in New York City has two assembly districts with suspiciously high registration of male voters, but Brooklyn Borough has none. The wards where fraud would be most likely to occur in Milwaukee, Boston, and San Francisco have the lowest registration in the city. The Thirty-third Assembly District in San Francisco, containing the

old "Barbary Coast" crime and vice region, has only 48 per cent of the eligible male voters registered, while the highest class ward in the city has 88 per cent, or nearly double. The conditions are reversed in Philadelphia, with the worst wards of the city, the Second, Third, Fourth, Fifth, and Sixth having from 90 to 100 per cent registered and all of the best wards of the city with less than 80 per cent.

The statistics have been compiled from the official records of the election officers of the respective cities and from the United States census reports. Male voters are included as well as the totals for both male and female, for since 1920 was in most states the first year of woman suffrage, the registration of women in that year should not be taken as normal. It may also be pointed out that the statistics of registration of male voters is more significant than that of male and female, because in many wards containing foreign born voters, particularly in some of the wards dominated by frauds, the women have not taken kindly to the suffrage, and the statistics for male voters is more indicative of frauds.

*Registration by Assembly District Groups in Manhattan Borough,  
New York City, 1920*

Group 1 The poorest sections of the city, slums, harbor front, East Side,  
machine controlled

| Assembly district | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|-------------------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 3                 | 51,076          | 24,968            | 49                  | 27,407               | 17,148                 | 63                  |
| 1                 | 37,625          | 18,662            | 50                  | 23,880               | 13,572                 | 57                  |
| 2                 | 27,141          | 14,550            | 53                  | 16,560               | 11,785                 | 71                  |
| 8                 | 23,628          | 14,060            | 60                  | 13,063               | 10,258                 | 77                  |
| 6                 | 19,401          | 14,046            | 72                  | 10,509               | 9,375                  | 89                  |
| 4                 | 17,224          | 12,398            | 72                  | 9,554                | 8,909                  | 93                  |
| Averages          |                 |                   | 59                  | ..                   | .....                  | 75                  |

Group 2. The poorer residential and industrial sections, largely foreign-born and machine controlled

| Assembly district | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|-------------------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 21 .....          | 52,794          | 21,263            | 40                  | 24,950               | 12,530                 | 50                  |
| 19 .....          | 49,812          | 22,250            | 45                  | 24,214               | 13,637                 | 56                  |
| 5 .....           | 50,769          | 24,801            | 49                  | 26,323               | 16,801                 | 64                  |
| 12 .....          | 50,148          | 25,753            | 51                  | 26,467               | 17,216                 | 65                  |
| 20 .....          | 28,105          | 14,192            | 50                  | 14,690               | 10,032                 | 68                  |
| 13 .....          | 45,396          | 23,366            | 51                  | 20,139               | 13,392                 | 67                  |
| 14 .....          | 44,119          | 22,938            | 52                  | 22,101               | 15,484                 | 70                  |
| 18 .....          | 36,320          | 19,552            | 54                  | 18,603               | 13,594                 | 73                  |
| 16 .....          | 45,785          | 25,509            | 56                  | 22,460               | 17,025                 | 76                  |
| 17 .....          | 30,087          | 18,241            | 61                  | 15,704               | 12,653                 | 80                  |
| Averages.         | .....           | .....             | 51                  | .....                | .....                  | 67                  |

Group 3. Middle class residential

|           |        |        |    |        |        |    |
|-----------|--------|--------|----|--------|--------|----|
| 10 .....  | 48,612 | 24,179 | 50 | 24,188 | 14,500 | 60 |
| 7 .....   | 52,063 | 26,676 | 51 | 23,994 | 15,184 | 63 |
| 11 .....  | 48,947 | 26,551 | 54 | 21,807 | 14,997 | 69 |
| 9 .....   | 49,767 | 27,716 | 56 | 22,267 | 15,400 | 69 |
| 22 .....  | 43,737 | 24,279 | 56 | 20,479 | 14,404 | 71 |
| 23 .....  | 53,826 | 31,261 | 58 | 25,067 | 18,225 | 73 |
| Averages. | .....  | .....  | 54 | .....  | .....  | 67 |

Group 4. The aristocratic district

|          |        |        |    |        |        |    |
|----------|--------|--------|----|--------|--------|----|
| 15 ..... | 48,235 | 26,709 | 55 | 21,106 | 14,822 | 70 |
|----------|--------|--------|----|--------|--------|----|

*Registration by Assembly District Groups in Brooklyn Borough,  
New York City, 1920*

Group 1 The river and harbor front sections, machine controlled

|           |        |        |    |        |        |    |
|-----------|--------|--------|----|--------|--------|----|
| 3 .....   | 28,494 | 12,000 | 42 | 15,737 | 8,593  | 55 |
| 4 .....   | 34,639 | 18,904 | 55 | 17,559 | 12,702 | 73 |
| 14 .....  | 24,379 | 13,247 | 54 | 13,114 | 9,683  | 73 |
| 15 .....  | 28,884 | 16,299 | 57 | 14,694 | 11,061 | 75 |
| 6 .....   | 32,428 | 18,824 | 58 | 16,058 | 12,475 | 78 |
| 23 .....  | 25,205 | 14,806 | 59 | 12,951 | 10,151 | 78 |
| Averages. | .....  | .....  | 56 | .....  | .....  | 72 |

## REGISTRATION OF VOTERS

Group 2 The poorer residential and industrial sections, largely foreign-born and machine controlled

| Assembly district  | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|--------------------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 1 . . . . .        | 40,750          | 18,453            | 45                  | 23,891               | 11,997                 | 51                  |
| 19 . . . . .       | 25,894          | 13,783            | 53                  | 13,392               | 9,590                  | 71                  |
| 22 . . . . .       | 50,947          | 29,864            | 59                  | 25,375               | 19,485                 | 77                  |
| Averages . . . . . |                 |                   | 52                  |                      |                        | 67                  |

Group 3. Middle class residential

|                    |        |        |    |        |        |    |
|--------------------|--------|--------|----|--------|--------|----|
| 8 . . . . .        | 30,675 | 14,460 | 47 | 15,146 | 10,078 | 65 |
| 10 . . . . .       | 45,265 | 24,994 | 55 | 21,471 | 14,335 | 67 |
| 7 . . . . .        | 33,859 | 17,472 | 52 | 16,583 | 11,578 | 70 |
| 17 . . . . .       | 44,255 | 25,143 | 57 | 19,858 | 13,924 | 70 |
| 13 . . . . .       | 24,864 | 12,664 | 51 | 12,914 | 9,179  | 72 |
| 11 . . . . .       | 49,788 | 29,944 | 60 | 23,019 | 16,868 | 73 |
| 20 . . . . .       | 58,499 | 31,788 | 54 | 27,935 | 20,293 | 73 |
| 5 . . . . .        | 42,210 | 25,018 | 59 | 19,463 | 14,604 | 75 |
| 12 . . . . .       | 44,087 | 26,872 | 61 | 20,862 | 15,808 | 76 |
| 16 . . . . .       | 35,504 | 22,735 | 64 | 10,085 | 15,108 | 79 |
| 2 . . . . .        | 36,211 | 23,715 | 66 | 18,334 | 15,035 | 82 |
| Averages . . . . . |        |        | 57 |        |        | 73 |

Group 4 The highest class residential sections

|                    |        |        |    |        |        |    |
|--------------------|--------|--------|----|--------|--------|----|
| 9 . . . . .        | 43,879 | 25,339 | 58 | 21,732 | 15,749 | 73 |
| 21 . . . . .       | 49,554 | 32,032 | 65 | 22,935 | 18,237 | 80 |
| 18 . . . . .       | 47,944 | 26,969 | 56 | 20,548 | 16,337 | 81 |
| Averages . . . . . |        |        | 60 |        |        | 78 |

*Registration by Ward Groups in Chicago, 1920*

Group 1. Wards located in the down-town section, containing the slums, lodging houses, several Negro wards, and poorer foreign-born.

Machine controlled

| Ward     | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|----------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 1. ....  | 28,297          | 15,264            | 54                  | 18,600               | 11,627                 | 60                  |
| 18. .... | 34,170          | 19,448            | 57                  | 20,517               | 13,802                 | 67                  |
| 3. ....  | 56,636          | 34,595            | 61                  | 27,136               | 19,862                 | 73                  |
| 29. .... | 41,933          | 26,412            | 63                  | 21,542               | 17,934                 | 83                  |
| 2. ....  | 50,299          | 32,454            | 65                  | 22,619               | 20,212                 | 76                  |
| 4. ....  | 18,982          | 12,842            | 68                  | 9,835                | 8,665                  | 88                  |
| 19. .... | 12,545          | 8,551             | 68                  | 6,934                | 6,303                  | 91                  |
| 10. .... | 13,910          | 9,877             | 71                  | 7,195                | 6,396                  | 89                  |
| 20. .... | 9,044           | 7,414             | 82                  | 4,952                | 4,985                  | 101                 |
| Averages | .....           | .....             | 65                  | .....                | .....                  | 81                  |

Group 2. Middle class residential wards, largely foreign-born, with several better class Negro wards; apartment districts

|          |        |        |    |        |        |    |
|----------|--------|--------|----|--------|--------|----|
| 27. .... | 80,324 | 49,663 | 62 | 39,478 | 31,958 | 81 |
| 15. .... | 36,136 | 22,471 | 62 | 18,329 | 14,743 | 80 |
| 24. .... | 29,576 | 18,398 | 62 | 14,838 | 12,199 | 82 |
| 34. .... | 45,154 | 28,228 | 63 | 22,876 | 18,746 | 82 |
| 13. .... | 46,868 | 29,345 | 63 | 23,008 | 17,842 | 78 |
| 30. .... | 28,173 | 17,737 | 63 | 13,454 | 11,242 | 83 |
| 12. .... | 25,332 | 15,899 | 63 | 13,149 | 10,675 | 81 |
| 26. .... | 59,221 | 38,820 | 65 | 28,580 | 23,336 | 82 |
| 28. .... | 32,738 | 21,345 | 65 | 16,380 | 13,813 | 85 |
| 35. .... | 57,545 | 37,551 | 65 | 28,095 | 22,688 | 81 |
| 8. ....  | 30,986 | 20,400 | 65 | 16,160 | 13,089 | 81 |
| 22. .... | 16,758 | 10,977 | 65 | 8,775  | 7,594  | 87 |
| 7. ....  | 67,396 | 44,297 | 66 | 31,885 | 24,915 | 78 |
| 14. .... | 31,465 | 20,707 | 66 | 15,928 | 13,023 | 82 |
| 31. .... | 40,468 | 27,168 | 67 | 20,070 | 16,325 | 81 |
| 9. ....  | 31,428 | 21,669 | 69 | 17,720 | 14,131 | 80 |
| 11. .... | 17,151 | 12,132 | 71 | 8,993  | 7,876  | 88 |
| 17. .... | 11,346 | 8,174  | 72 | 6,155  | 5,708  | 86 |
| 5. ....  | 24,675 | 17,677 | 72 | 13,105 | 11,738 | 90 |
| 16. .... | 15,658 | 11,485 | 73 | 8,148  | 7,552  | 93 |
| Averages | .....  | .....  | 66 | .....  | .....  | 83 |



## REGISTRATION OF VOTERS

## Group 3. The highest class residential wards

| Ward      | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|-----------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 23.....   | 47,248          | 29,554            | 62                  | 22,394               | 17,422                 | 78                  |
| 8.....    | 64,821          | 42,410            | 67                  | 29,779               | 23,616                 | 78                  |
| 25.....   | 86,146          | 57,923            | 67                  | 39,399               | 31,381                 | 80                  |
| 32.....   | 67,013          | 45,451            | 68                  | 32,403               | 26,482                 | 82                  |
| 33.....   | 65,207          | 44,730            | 69                  | 31,741               | 27,240                 | 86                  |
| Averages. | .....           | .....             | 67                  | .....                | .....                  | 81                  |
| 21*.....  | 41,513          | 23,052            | 55                  | 23,256               | 15,235                 | 65                  |

\* The Twenty First Ward contains some very high class residential sections and also lodging house district.

*Registration by Ward Groups in Philadelphia, 1920*

Group 1. Wards located in the down-town section, river front, with slums, tenements, "flop houses," and cheap hotels. Machine controlled

| Ward     | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters * | Per cent registered |
|----------|-----------------|-------------------|---------------------|----------------------|--------------------------|---------------------|
| 4.....   | 5,701           | 2,600             | 46                  | 3,178                | 3,186                    | 100.3               |
| 13.....  | 8,068           | 3,779             | 47                  | 4,790                | 3,862                    | 81                  |
| 2.....   | 8,886           | 4,624             | 52                  | 4,865                | 4,292                    | 88                  |
| 3.....   | 5,866           | 3,011             | 52                  | 3,150                | 3,059                    | 97                  |
| 5.....   | 4,899           | 2,696             | 55                  | 2,922                | 2,335                    | 80                  |
| 11.....  | 5,282           | 1,512             | 59                  | 1,516                | 1,377                    | 91                  |
| 12.....  | 4,499           | 2,670             | 60                  | 2,618                | 2,125                    | 81                  |
| 6.....   | 1,891           | 1,175             | 62                  | 1,217                | 1,119                    | 93                  |
| Averages | .....           | .....             | 54                  | .....                | .....                    | 89                  |

## Group 2. Negro wards, machine controlled

| Ward      | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|-----------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 14.....   | 11,457          | 4,279             | 37                  | 6,406                | 4,595                  | 71                  |
| 7.....    | 17,672          | 7,056             | 40                  | 8,694                | 6,665                  | 77                  |
| 30.....   | 19,781          | 8,082             | 41                  | 9,833                | 6,983                  | 71                  |
| 36.....   | 27,110          | 11,178            | 41                  | 13,435               | 10,487                 | 78                  |
| Averages. | .....           | .....             | 40                  | .....                | .....                  | 74                  |

\* The statistics of registered male voters are for 1919.

Group 3. Working class residential wards, located around the fringe of Groups 1 and 2, machine controlled

| Ward           | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters <sup>a</sup> | Per cent registered |
|----------------|-----------------|-------------------|---------------------|----------------------|-------------------------------------|---------------------|
| 39 .....       | 29,588          | 12,138            | 41                  | 16,105               | 10,953                              | 68                  |
| 27 .....       | 16,752          | 7,041             | 42                  | 7,528                | 4,674                               | 62                  |
| 15 .....       | 26,521          | 11,573            | 44                  | 1,282                | 8,771                               | 68                  |
| 9 .....        | 2,845           | 1,277             | 45                  | 1,535                | 1,182                               | 77                  |
| 19 .....       | 26,559          | 11,958            | 45                  | 13,121               | 10,324                              | 79                  |
| 20 .....       | 25,730          | 11,539            | 45                  | 12,822               | 10,045                              | 78                  |
| 18 .....       | 13,609          | 6,383             | 47                  | 6,757                | 5,619                               | 83                  |
| 25 .....       | 21,336          | 10,246            | 47                  | 10,638               | 8,930                               | 84                  |
| 40 .....       | 44,558          | 21,209            | 47                  | 20,662               | 15,102                              | 73                  |
| 26 .....       | 26,662          | 12,660            | 48                  | 13,682               | 11,242                              | 82                  |
| 10 .....       | 9,799           | 4,814             | 49                  | 6,144                | 3,863                               | 63                  |
| 16 .....       | 4,801           | 2,351             | 49                  | 2,457                | 2,142                               | 87                  |
| 17 .....       | 5,125           | 2,621             | 49                  | 2,623                | 2,361                               | 90                  |
| 1 .....        | 13,054          | 6,484             | 50                  | 6,978                | 5,917                               | 85                  |
| 8 .....        | 8,669           | 4,506             | 52                  | 4,051                | 3,229                               | 79                  |
| 21 .....       | 19,597          | 11,030            | 56                  | 9,474                | 7,896                               | 83                  |
| Averages. .... | .....           | .....             | 47                  | .....                | .....                               | 78                  |

Group 4. Middle class wards, partially machine controlled

|                |        |        |    |        |        |    |
|----------------|--------|--------|----|--------|--------|----|
| 47 .....       | 21,670 | 9,016  | 42 | 9,648  | 6,726  | 70 |
| 41 .....       | 11,968 | 5,323  | 44 | 6,507  | 4,085  | 63 |
| 28 .....       | 30,711 | 13,835 | 45 | 14,532 | 10,886 | 75 |
| 37 .....       | 15,516 | 7,146  | 46 | 7,409  | 5,762  | 78 |
| 29 .....       | 18,697 | 8,634  | 46 | 9,024  | 7,203  | 80 |
| 45 .....       | 15,198 | 7,214  | 48 | 7,763  | 6,162  | 79 |
| 31 .....       | 16,186 | 8,195  | 52 | 8,302  | 6,635  | 80 |
| Averages. .... | .....  | .....  | 46 | .....  | .....  | 75 |

<sup>a</sup> The statistics of registered male voters are for 1919.

## REGISTRATION OF VOTERS

Group 5. The best residential sections of the city. Largely independent of machine control

| Ward          | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters* | Per cent registered |
|---------------|-----------------|-------------------|---------------------|----------------------|-------------------------|---------------------|
| 32.....       | 30,160          | 12,318            | 41                  | 13,435               | 9,262                   | 69                  |
| 44.....       | 25,015          | 10,829            | 43                  | 12,147               | 8,819                   | 73                  |
| 33.....       | 34,107          | 14,662            | 43                  | 16,401               | 12,741                  | 78                  |
| 24.....       | 36,166          | 16,115            | 46                  | 16,695               | 11,946                  | 72                  |
| 43.....       | 33,509          | 15,470            | 46                  | 15,610               | 12,719                  | 81                  |
| 40.....       | 44,558          | 21,209            | 47                  | 20,662               | 15,102                  | 73                  |
| 34.....       | 44,290          | 20,216            | 48                  | 19,341               | 13,948                  | 72                  |
| 38.....       | 39,529          | 18,967            | 48                  | 18,283               | 14,004                  | 77                  |
| 46.....       | 51,635          | 25,913            | 50                  | 22,419               | 16,449                  | 72                  |
| 22.....       | 50,957          | 26,069            | 51                  | 22,210               | 17,163                  | 78                  |
| 35.....       | 8,479           | 4,345             | 51                  | 4,149                | 3,203                   | 77                  |
| 42.....       | 37,488          | 18,986            | 51                  | 16,522               | 13,001                  | 79                  |
| 23.....       | 20,180          | 10,374            | 52                  | 9,697                | 7,637                   | 79                  |
| Averages..... | .....           | .....             | 47                  | .....                | .....                   | 75                  |

*Registration by Ward Groups in Boston, 1920*

Group 1. The down-town, lodging house, "riffraff," and machine controlled wards

|               |        |        |    |        |       |    |
|---------------|--------|--------|----|--------|-------|----|
| 7.....        | 26,211 | 10,567 | 42 | 13,199 | 6,484 | 49 |
| 6.....        | 17,065 | 6,910  | 41 | 9,545  | 5,103 | 54 |
| 12.....       | 12,922 | 6,182  | 48 | 6,462  | 4,407 | 68 |
| 5.....        | 13,069 | 7,024  | 54 | 8,169  | 5,743 | 70 |
| Averages..... | .....  | .....  | 46 | .....  | ..... | 60 |

Group 2. The poorer residential sections, largely foreign-born

|               |        |       |    |       |       |    |
|---------------|--------|-------|----|-------|-------|----|
| 2.....        | 10,370 | 5,130 | 50 | 5,696 | 3,945 | 71 |
| 3.....        | 9,334  | 5,278 | 56 | 4,859 | 3,635 | 75 |
| 4.....        | 8,394  | 5,188 | 62 | 4,369 | 3,354 | 77 |
| 1.....        | 11,697 | 6,957 | 60 | 5,804 | 4,636 | 79 |
| Averages..... | .....  | ..... | 57 | ..... | ..... | 76 |

\* The statistics of registered male voters are for 1919.

## Group 3. Middle class residential wards

| Ward      | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|-----------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 13.....   | 14,797          | 7,667             | 52                  | 7,447                | 4,757                  | 64                  |
| 9 .....   | 10,488          | 5,692             | 54                  | 5,422                | 4,201                  | 77                  |
| 11 .....  | 13,094          | 6,873             | 53                  | 6,337                | 4,923                  | 78                  |
| 20 .....  | 14,716          | 8,639             | 59                  | 6,949                | 5,480                  | 79                  |
| 24.....   | 10,957          | 7,431             | 68                  | 5,397                | 4,255                  | 79                  |
| 10 .....  | 12,605          | 7,419             | 59                  | 6,175                | 5,085                  | 82                  |
| 14.....   | 13,524          | 8,266             | 61                  | 6,149                | 5,065                  | 82                  |
| 26 .....  | 9,771           | 6,250             | 64                  | 4,718                | 3,909                  | 83                  |
| 19 . .... | 13,957          | 9,015             | 65                  | 6,404                | 5,500                  | 86                  |
| Averages  | .....           | .....             | 59                  | .....                | .....                  | 79                  |

## Group 4. The highest class residential wards

|                |         |         |    |         |         |    |
|----------------|---------|---------|----|---------|---------|----|
| 8 .....        | 21,336  | 10,535  | 50 | 9,808   | 5,820   | 59 |
| 21 .....       | 16,842  | 8,707   | 52 | 8,177   | 5,806   | 71 |
| 25 .....       | 14,805  | 8,490   | 57 | 6,510   | 4,821   | 74 |
| 16 .....       | 16,197  | 8,831   | 55 | 7,497   | 5,707   | 76 |
| 15.....        | 13,356  | 7,551   | 57 | 6,320   | 5,059   | 80 |
| 18.....        | 14,316  | 8,069   | 56 | 6,800   | 5,414   | 80 |
| 17.....        | 14,304  | 8,441   | 59 | 6,572   | 5,367   | 81 |
| 22 .....       | 14,139  | 9,028   | 64 | 6,559   | 5,422   | 83 |
| 23.....        | 14,480  | 9,972   | 69 | 6,753   | 5,916   | 88 |
| Averages.      | .....   | .....   | 58 | .....   | .....   | 77 |
| Entire City... | 362,726 | 200,112 | 55 | 177,999 | 129,814 | 73 |

*Registration by Ward Groups in Baltimore, 1920*

## Group 1. Down-town, transient, machine controlled wards, poorest residential sections, lodging house district

|           |        |       |    |       |       |    |
|-----------|--------|-------|----|-------|-------|----|
| 4 .....   | 9,217  | 4,403 | 48 | 5,228 | 2,830 | 54 |
| 5.....    | 8,199  | 4,295 | 52 | 4,478 | 2,846 | 63 |
| 3 .....   | 5,726  | 3,260 | 57 | 3,186 | 2,385 | 75 |
| 18 .....  | 12,871 | 7,210 | 56 | 6,275 | 4,337 | 69 |
| 19 .....  | 14,890 | 9,155 | 62 | 7,056 | 5,422 | 77 |
| Averages. | .....  | ..... | 55 | ..... | ..... | 68 |

## REGISTRATION OF VOTERS

## Group 2. Working class residential wards, largely machine controlled

| Ward           | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|----------------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 17 .....       | 14,530          | 7,314             | 50                  | 7,249                | 3,853                  | 53                  |
| 22 .....       | 8,445           | 4,112             | 49                  | 4,512                | 2,576                  | 57                  |
| 10 .....       | 12,132          | 6,762             | 56                  | 6,298                | 4,007                  | 64                  |
| 24 .....       | 12,810          | 6,851             | 54                  | 7,215                | 4,650                  | 64                  |
| 14 .....       | 17,649          | 10,590            | 60                  | 7,781                | 5,271                  | 68                  |
| 2 .....        | 8,557           | 5,034             | 59                  | 4,861                | 3,343                  | 69                  |
| 23 .....       | 9,792           | 5,618             | 57                  | 5,065                | 3,737                  | 74                  |
| 6 .....        | 16,315          | 9,949             | 61                  | 8,065                | 6,264                  | 78                  |
| 7 .....        | 18,608          | 12,108            | 65                  | 9,143                | 7,366                  | 80                  |
| 8 .....        | 22,597          | 14,338            | 64                  | 11,044               | 8,960                  | 81                  |
| 1 .....        | 14,730          | 9,342             | 63                  | 7,436                | 6,346                  | 85                  |
| Averages ..... | .....           | .....             | 57                  | .....                | .....                  | 70                  |

Group 3. Middle class residential, less machine controlled, except  
Wards 25 and 26

|                |        |        |    |        |       |    |
|----------------|--------|--------|----|--------|-------|----|
| 26 .....       | 19,229 | 11,454 | 60 | 10,574 | 7,752 | 73 |
| 25 .....       | 7,797  | 4,574  | 59 | 4,177  | 3,233 | 77 |
| 13 .....       | 20,831 | 13,144 | 63 | 9,839  | 7,806 | 79 |
| 21 .....       | 10,952 | 6,461  | 59 | 5,594  | 4,420 | 80 |
| 20 .....       | 20,989 | 13,744 | 66 | 10,112 | 8,760 | 87 |
| 9 .....        | 19,369 | 13,866 | 72 | 9,098  | 8,235 | 91 |
| Averages ..... | .....  | .....  | 63 | .....  | ..... | 81 |

## Group 4 The best residential wards, largely independent of machine control

|                   |         |         |    |         |         |    |
|-------------------|---------|---------|----|---------|---------|----|
| 11 .....          | 15,946  | 8,915   | 56 | 6,972   | 4,256   | 61 |
| 12 .....          | 24,455  | 15,722  | 64 | 11,021  | 8,244   | 75 |
| 16 .....          | 23,860  | 14,694  | 62 | 10,771  | 8,133   | 75 |
| 28 .....          | 5,127   | 3,174   | 55 | 2,295   | 1,750   | 76 |
| 15 .....          | 30,692  | 19,617  | 64 | 14,277  | 11,215  | 79 |
| 27 .....          | 22,338  | 15,460  | 69 | 10,304  | 8,650   | 84 |
| Averages .....    | .....   | .....   | 62 | .....   | .....   | 75 |
| Entire City ..... | 426,051 | 261,166 | 61 | 208,814 | 156,513 | 75 |

*Registration by Ward Groups in Milwaukee, 1920*

Group 1. Wards in the down-town, boarding and lodging house, poorer foreign-born, and Negro districts

| Ward     | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|----------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 3 .....  | 9,621           | 5,557             | 57                  | 4,856                | 3,228                  | 67                  |
| 2 .....  | 8,892           | 5,358             | 60                  | 4,363                | 3,314                  | 76                  |
| 4 .....  | 10,509          | 6,263             | 60                  | 5,369                | 3,631                  | 68                  |
| 6 .....  | 9,087           | 5,649             | 62                  | 4,473                | 3,576                  | 80                  |
| 10 ..... | 6,462           | 4,065             | 63                  | 3,206                | 2,557                  | 79                  |
| 5 .....  | 8,240           | 5,259             | 64                  | 4,382                | 3,071                  | 70                  |
| 7 .....  | 10,940          | 7,146             | 65                  | 5,279                | 4,350                  | 82                  |
| 9 .....  | 8,551           | 5,554             | 65                  | 4,201                | 3,352                  | 80                  |
| Averages | .....           | .....             | 62                  | .....                | .....                  | 75                  |

## Group 2. Middle class residential sections

|          |        |        |    |       |       |    |
|----------|--------|--------|----|-------|-------|----|
| 13 ..... | 9,830  | 6,821  | 69 | 4,675 | 3,991 | 85 |
| 25 ..... | 11,126 | 7,629  | 69 | 5,372 | 4,537 | 84 |
| 14 ..... | 5,345  | 3,843  | 72 | 2,767 | 2,341 | 85 |
| 8 .....  | 8,125  | 5,857  | 72 | 4,064 | 3,363 | 83 |
| 21 ..... | 10,484 | 7,525  | 73 | 5,183 | 4,469 | 87 |
| 22 ..... | 14,365 | 10,483 | 73 | 7,006 | 5,994 | 85 |
| 12 ..... | 7,333  | 5,461  | 74 | 3,758 | 3,071 | 82 |
| 16 ..... | 7,053  | 5,294  | 75 | 3,256 | 2,849 | 88 |
| 24 ..... | 6,625  | 4,936  | 75 | 3,365 | 2,933 | 87 |
| 17 ..... | 9,129  | 6,935  | 76 | 4,494 | 3,938 | 88 |
| 20 ..... | 13,368 | 10,342 | 78 | 6,651 | 5,753 | 87 |
| 23 ..... | 11,959 | 9,334  | 78 | 5,877 | 4,849 | 82 |
| 11 ..... | 7,595  | 5,960  | 79 | 3,721 | 3,053 | 82 |
| Averages | .....  | .....  | 74 | ..... | ..... | 85 |

## Group 3 The highest class residential sections

|                |         |         |      |         |        |      |
|----------------|---------|---------|------|---------|--------|------|
| 19 .....       | 11,016  | 7,705   | 70   | 5,224   | 4,641  | 87   |
| 15 .....       | 8,767   | 6,550   | 75   | 3,984   | 2,440  | 86   |
| 1 .....        | 10,512  | 7,974   | 76   | 4,592   | 4,119  | 90   |
| 18 .....       | 10,992  | 9,118   | 83   | 4,680   | 4,442  | 95   |
| Averages       | .....   | .....   | 76   | .....   | .....  | 90   |
| Entire City... | 236,063 | 166,608 | 70.4 | 114,928 | 94,922 | 82.6 |

## REGISTRATION OF VOTERS

*Registration by Assembly District Groups in San Francisco, 1920*

Group 1. Down-town districts, containing boarding and lodging house,  
poorer foreign-born, and Negro sections

| Assembly district | Eligible voters | Registered voters | Per cent registered | Eligible male voters | Registered male voters | Per cent registered |
|-------------------|-----------------|-------------------|---------------------|----------------------|------------------------|---------------------|
| 33.....           | 25,435          | 11,582            | 45                  | 17,279               | 8,299                  | 48                  |
| 21.....           | 20,297          | 12,323            | 61                  | 15,166               | 9,699                  | 65                  |
| 30.....           | 27,264          | 16,775            | 61                  | 14,098               | 9,504                  | 67                  |
| Averages          | .....           | .....             | 56                  | .....                | .....                  | 60                  |

## Group 2. Middle class residential sections

|           |        |        |    |        |        |    |
|-----------|--------|--------|----|--------|--------|----|
| 31 .....  | 25,793 | 16,105 | 63 | 13,676 | 7,773  | 67 |
| 32.....   | 38,794 | 26,138 | 67 | 18,234 | 13,461 | 74 |
| 29 .....  | 22,288 | 16,050 | 72 | 11,716 | 9,438  | 81 |
| 22 .....  | 9,569  | 6,959  | 73 | 5,319  | 4,217  | 79 |
| 25 .....  | 20,526 | 15,315 | 75 | 10,368 | 9,220  | 89 |
| 23 .....  | 16,291 | 12,529 | 77 | 8,533  | 7,301  | 86 |
| 26.....   | 27,427 | 21,146 | 77 | 13,301 | 11,141 | 84 |
| Averages. | .....  | .....  | 72 | .....  | .....  | 80 |

## Group 3. The highest class residential sections

|                |         |         |    |         |        |       |
|----------------|---------|---------|----|---------|--------|-------|
| 28.....        | 29,767  | 21,744  | 73 | 15,556  | 11,089 | 71    |
| 24 .....       | 17,962  | 14,350  | 80 | 9,045   | 7,870  | 87    |
| 27 .....       | 22,105  | 18,353  | 83 | 10,432  | 9,196  | 88    |
| Averages.      | .....   | .....   | 79 | .....   | .....  | 82    |
| Entire City... | 292,879 | 209,469 | 71 | 118,208 | .....  | ..... |

*Registration and Election Statistics for Selected Cities\**

## Chicago

| Year      | Eligible voters | Registered voters | Per cent registered | Vote cast | Per cent 5 of 2 | Per cent 5 of 3 |
|-----------|-----------------|-------------------|---------------------|-----------|-----------------|-----------------|
| (1)       | (2)             | (3)               | (4)                 | (5)       | (6)             | (7)             |
| 1910..... | 511,433         | 375,493           | 73                  | 331,696   | 65              | 88              |
| 1911..... | 529,002         | 425,924           | 80                  | 370,352   | 70              | 87              |
| 1912..... | 546,571         | 445,120           | 81                  | 415,863   | 76              | 93              |
| 1913..... | 564,140         | 440,612           | 78                  | 283,140   | 50              | 64              |
| 1914..... | 1,178,865       | 555,973           | 47                  | 473,771   | 40              | 85              |
| 1915..... | 1,210,473       | 775,779           | 64                  | 684,681   | 54              | 84              |
| 1916..... | 1,242,080       | 808,475           | 65                  | 759,607   | 61              | 94              |
| 1917..... | 1,273,689       | 797,928           | 63                  | 390,936   | 31              | 49              |
| 1918..... | 1,305,297       | 578,690           | 44                  | 495,749   | 38              | 86              |
| 1919..... | 1,336,905       | 795,977           | 60                  | 698,920   | 52              | 88              |
| 1920..... | 1,366,515       | 884,120           | 65                  | 785,001   | 57              | 89              |
| 1921..... | 1,400,123       | 886,935           | 63                  | 389,646   | 28              | 44              |
| 1922..... | 1,431,731       | 804,648           | 56                  | 719,402   | 50              | 89              |
| 1923..... | 1,463,339       | 905,388           | 62                  | 723,267   | 49              | 80              |
| 1924..... | 1,494,947       | 1,064,895         | 71                  | 997,077   | 67              | 94              |
| 1925..... | 1,526,555       | 1,060,102         | 70                  | 549,241   | 36              | 52              |
| 1926..... | 1,557,163       | 875,281           | 56                  | 721,547   | 46              | 83              |

## Philadelphia

| (1)       | (2)       | (3)     | (4) | (5)     | (6) | (7) |
|-----------|-----------|---------|-----|---------|-----|-----|
| 1910..... | 371,156   | 261,522 | 70  | 240,623 | 65  | 92  |
| 1911..... | 381,727   | 296,556 | 78  | 269,387 | 71  | 91  |
| 1912..... | 392,498   | 269,418 | 69  | 251,735 | 64  | 93  |
| 1913..... | 403,169   | 246,147 | 61  | 214,049 | 53  | 87  |
| 1914..... | 413,740   | 272,871 | 66  | 252,757 | 61  | 93  |
| 1915..... | 424,511   | 289,726 | 68  | 266,620 | 63  | 92  |
| 1916..... | 435,182   | 305,584 | 70  | 290,600 | 67  | 95  |
| 1917..... | 445,853   | 275,159 | 62  | 237,824 | 53  | 86  |
| 1918..... | 456,524   | 241,075 | 53  | 215,961 | 47  | 89  |
| 1919..... | 467,195   | 356,265 | 76  | 283,094 | 61  | 79  |
| 1920..... | 967,678   | 450,647 | 47  | 418,617 | 43  | 93  |
| 1921..... | 986,678   | 432,196 | 44  | 281,005 | 29  | 65  |
| 1922..... | 1,005,678 | 369,487 | 37  | 317,072 | 32  | 86  |
| 1923..... | 1,024,678 | 428,274 | 42  | 329,494 | 32  | 77  |
| 1924..... | 1,043,678 | 478,355 | 46  | 450,016 | 43  | 94  |
| 1925..... | 1,062,678 | 427,342 | 40  | 320,284 | 30  | 75  |
| 1926..... | 1,081,678 | 441,755 | 41  | 385,383 | 36  | 87  |

\* Statistics for New York, Milwaukee, and San Francisco are to be found in Chapter X.



## REGISTRATION OF VOTERS

## Boston

| Year         | Eligible voters | Registered voters | Per cent registered | Vote cast | Per cent<br>5 of 2 | Per cent<br>5 of 3 |
|--------------|-----------------|-------------------|---------------------|-----------|--------------------|--------------------|
| (1)          | (2)             | (3)               | (4)                 | (5)       | (6)                | (7)                |
| 1910 . . . . | 152,952         | 110,326           | 72                  | 87,241    | 57                 | 79                 |
| 1911 . . . . | 155,456         | 108,386           | 70                  | 82,608    | 53                 | 76                 |
| 1912 . . . . | 157,960         | 112,253           | 71                  | 91,738    | 58                 | 82                 |
| 1913 . . . . | 160,464         | 109,259           | 68                  | 84,208    | 52                 | 77                 |
| 1914 . . . . | 162,968         | 111,166           | 68                  | 82,321    | 51                 | 74                 |
| 1915 . . . . | 165,472         | 113,979           | 69                  | 92,966    | 56                 | 82                 |
| 1916 . . . . | 167,976         | 117,425           | 70                  | 99,034    | 59                 | 84                 |
| 1917 . . . . | 170,480         | 112,451           | 66                  | 72,696    | 43                 | 65                 |
| 1918 . . . . | 172,984         | 111,164           | 64                  | 76,559    | 44                 | 69                 |
| 1919 . . . . | 175,488         | 116,865           | 67                  | 92,338    | 53                 | 79                 |
| 1920 . . . . | 362,726         | 200,112           | 55                  | 172,868   | 48                 | 86                 |
| 1921 . . . . | 367,826         | 207,590           | 57                  | 162,132   | 44                 | 78                 |
| 1922 . . . . | 372,926         | 220,319           | 59                  | 170,967   | 46                 | 78                 |
| 1923 . . . . | 378,026         | 202,695           | 54                  | 86,375    | 23                 | 43                 |
| 1924 . . . . | 383,126         | 247,636           | 65                  | 219,862   | 57                 | 89                 |
| 1925 . . . . | 388,226         | 232,964           | 60                  | 183,568   | 48                 | 79                 |
| 1926 . . . . | 393,326         | 232,316           | 59                  | 181,765   | 46                 | 78                 |

## Cleveland

| (1)          | (2)     | (3)     | (4) | (5)     | (6) | (7) |
|--------------|---------|---------|-----|---------|-----|-----|
| 1910 . . . . | 123,437 | 818,856 | 66  | 68,067  | 55  | 83  |
| 1911 . . . . | 129,988 | 96,740  | 74  | 88,629  | 68  | 92  |
| 1912 . . . . | 136,540 | 94,562  | 70  | 88,231  | 65  | 93  |
| 1913 . . . . | 143,091 | 92,761  | 65  | 86,144  | 60  | 93  |
| 1914 . . . . | 149,642 | 110,371 | 74  | 105,066 | 70  | 95  |
| 1915 . . . . | 156,193 | 119,378 | 76  | 112,970 | 72  | 95  |
| 1916 . . . . | 162,744 | 116,095 | 71  | 109,421 | 67  | 95  |
| 1917 . . . . | 169,295 | 123,924 | 73  | 116,166 | 69  | 94  |
| 1918 . . . . | 175,846 | 102,546 | 58  | 93,425  | 53  | 91  |
| 1919 . . . . | 182,397 | 126,437 | 69  | 112,571 | 62  | 89  |
| 1920 . . . . | 368,886 | 200,007 | 54  | 184,301 | 50  | 92  |
| 1921 . . . . | 382,886 | 167,715 | 44  | 154,123 | 40  | 92  |
| 1922 . . . . | 396,886 | 136,343 | 34  | 122,397 | 31  | 90  |
| 1923 . . . . | 410,886 | 132,549 | 32  | 114,613 | 28  | 86  |
| 1924 . . . . | 424,886 | 211,828 | 50  | 197,076 | 47  | 93  |
| 1925 . . . . | 438,886 | 125,545 | 29  | 109,167 | 25  | 86  |
| 1926 . . . . | 452,886 | 121,652 | 27  | 106,836 | 24  | 88  |

## St. Louis

| Year      | Eligible voters | Registered voters | Per cent registered | Vote cast | Per cent 5 of 2 | Per cent 5 of 3 |
|-----------|-----------------|-------------------|---------------------|-----------|-----------------|-----------------|
| (1)       | (2)             | (3)               | (4)                 | (5)       | (6)             | (7)             |
| 1910 .... | 191,554         | 169,567           | 89                  | 107,505   | 56              | 63              |
| 1911 .... | 195,861         | 154,958           | 79                  | 83,800    | 43              | 54              |
| 1912..... | 200,168         | 155,181           | 78                  | 139,817   | 70              | 90              |
| 1913 .... | 204,475         | 153,158           | 75                  | 122,638   | 60              | 80              |
| 1914 .... | 208,782         | 154,385           | 74                  | 123,982   | 59              | 80              |
| 1915 .... | 213,089         | 150,695           | 70                  | 103,778   | 49              | 69              |
| 1916..... | 217,396         | 173,760           | 80                  | 161,684   | 74              | 93              |
| 1917..... | 221,703         | 167,342           | 76                  | 120,551   | 54              | 72              |
| 1918..... | 226,010         | 158,365           | 70                  | 119,931   | 53              | 76              |
| 1919..... | 230,317         | 156,386           | 68                  | 84,668    | 37              | 54              |
| 1920..... | 475,893         | 315,018           | 66                  | 281,865   | 59              | 90              |
| 1921..... | 484,723         | 307,048           | 64                  | 203,340   | 42              | 66              |
| 1922..... | 493,553         | 272,200           | 55                  | 168,909   | 34              | 62              |
| 1923..... | 502,383         | 257,292           | 51                  | 73,463    | 15              | 29              |
| 1924 .... | 511,213         | 303,150           | 59                  | 260,190   | 51              | 86              |
| 1925..... | 520,043         | 301,112           | 58                  | 238,525   | 46              | 80              |
| 1926..... | 528,873         | 276,154           | 52                  | 178,730   | 34              | 65              |

## Columbus

| (1)       | (2)     | (3)    | (4)   | (5)    | (6)   | (7)   |
|-----------|---------|--------|-------|--------|-------|-------|
| 1910 .... | 56,858  | 41,267 | 73    | 37,261 | 66    | 91    |
| 1911 .... | 58,780  | 46,153 | 78    | 42,847 | 73    | 93    |
| 1912 .... | 60,702  | 45,368 | 74    | 41,847 | 67    | 92    |
| 1913..... | 62,624  | 40,081 | 64    | 37,013 | 59    | 92    |
| 1914..... | 64,546  | 49,668 | 77    | 47,127 | 73    | 95    |
| 1915 .... | 66,468  | 47,353 | 71    | 43,668 | 66    | 92    |
| 1916 .... | 68,390  | 51,671 | 75    | 49,390 | 72    | 95    |
| 1917 .... | 70,312  | 44,696 | 64    | 41,287 | 59    | 92    |
| 1918..... | 72,234  | 42,903 | 59    | 39,014 | 54    | 91    |
| 1919..... | 74,156  | 51,424 | 69    | 46,633 | 63    | 91    |
| 1920..... | 152,953 | 97,987 | 64    | 92,667 | 61    | 95    |
| 1921..... | 157,253 | 56,282 | 36    | 43,280 | 28    | 77    |
| 1922..... | 161,553 | 79,765 | 49    | 72,488 | 45    | 91    |
| 1923..... | 165,853 | 71,404 | 43    | 61,446 | 37    | 86    |
| 1924..... | 170,153 | 99,685 | 59    | 92,273 | 54    | 92    |
| 1925 .... | 174,453 | 49,665 | 28    | 38,823 | 22    | 78    |
| 1926..... | 178,753 | .....  | ..... | .....  | ..... | ..... |

## APPENDIX 2

### REGISTRATION FRAUDS IN CHICAGO, PHILADELPHIA AND LOUISVILLE <sup>1</sup>

**Chicago.** The Citizens' Association of Chicago has for years acted as the chief private agency for the detection and prosecution of election frauds in that city, and during the last ten years has unearthed an amazing amount of evidence showing the padding of registration lists, fraudulent voting and other illegal practices. It was largely through the initiative of this Association that the recent investigations (described below) were made by the election authorities. During most of the period the Association has been greatly hampered in its prosecution of election frauds because of the failure of the State's Attorney to coöperate, but since 1925 a number of corrupt precinct officers have been punished by the County Judge (who is the chief election officer of Chicago) through contempt proceedings.

In 1920 the Association issued a special report upon election frauds, summing up its work during the preceding three years. More recent published reports show that the conditions in Chicago have grown worse since 1920. The following excerpts from the 1920 report show the general results of the investigations, as well as illustrative materials from particular precincts:

During the last three years the Citizens' Association has spent some thousands of dollars in the effort to uncover and prevent vote frauds. While its investigation has been confined mainly to four wards it has repeatedly broken through the crust and exposed corrupt conditions and frauds perpetrated by election officials. In three instances the election officials who were in-

<sup>1</sup> The following accounts are based upon trustworthy field investigations which have been made within recent years. Similar accounts, but less authentic, have been told to the writer about election frauds in other cities.

volved confessed that they had been guilty of ballot box stuffing, yet in spite of our utmost efforts only two of our cases have been brought to trial within the above-mentioned period. Convictions were obtained in both instances but only jail sentences were inflicted.

\* \* \* \*

In the 21st Ward our investigators made a canvass of all persons listed as having voted in certain precincts at the February primary. In the 34th precinct, where 190 persons were listed as having voted, we obtained affidavits from thirty-four of those persons that they had not actually voted; and our investigators found that about fifty other persons who were recorded as having voted in that precinct on February 27, had moved away before the primary or were not legal voters. With these affidavits and other evidence as a basis Mr. Charles Center Case, then Assistant State's Attorney, was able to obtain confessions from three of the election officials of the precinct to the effect that they had been bribed to aid in stuffing the ballot box. We are informed that their testimony showed that eighty fraudulent votes had been placed in the ballot box in that precinct and that like methods had been employed at the preceding November election. The result of these indictments was to defeat a candidate for alderman who was shown to have profited by these frauds at the primary.

\* \* \* \*

As a result of a complaint made to the Legislative Voters' League by former Representative John S. Burns prior to the primary election September 11, 1918, the Citizens' Association made a house-to-house canvass of the list of registered voters in twenty-one precincts of the 19th Ward and found that 822 persons whose names had been illegally retained on the voting list had apparently died, or moved away, or been registered from vacant lots or empty houses. Our request that these names be stricken from the voting list led to a second canvass in which representatives of the Election Commissioners' office worked with our investigators and 724 names were stricken off by the Election Commissioners. Our canvass brought to light the same situation which we had previously found in the 18th, 20th, and 21st wards, namely, that the clerks of election had grossly neglected the duty imposed upon them by law of making a proper canvass. Apparently a large number of names had been pur-

posely left on the voting list with a view to voting those names by repeaters.

\* \* \* \*

In its report the October Grand Jury enumerated violations of the election laws found by it as follows:

"1. Placing of hundred of names on the registration books illegally, including men and women who did not live in the precincts, the names of dead men, fugitives from justice, and fictitious persons, and the failure of clerks of election to erase these names after their canvass.

"2. Failure of judges and clerks of election to challenge persons known to them as illegal voters.

"3. Erasure of the crosses placed before the names of one set of candidates and substitution of crosses before the names of others, to such an extent that in some precincts no votes were left for anti-organization candidates although witnesses appeared who swore that they voted for them.

"4. Falsification of the tally sheets returned to the election commissioners to swell the votes of certain candidates and decrease the vote of others, in some cases more votes being returned than were actually cast.

"5. Employment of the 'endless chain' system of voting to such an extent that in some instances all ballots cast in a precinct were marked by three or four persons."

This Grand Jury also said in its report:

"In the line of our duty we are called upon to investigate the election frauds, which seem to have gained alarming proportions in our city and to threaten the very life of our free institutions. From the facts developed by our investigation we have no hesitancy in saying that conditions connected with the election machinery are very bad; violations of law are flagrant and there is much need of reform.

"Under the present system of selecting the judges and clerks of election on the recommendation of the precinct captains of the dominant political parties, the character and educational qualifications of the men serving in these capacities are such that they do not inspire the law-abiding and patriotic citizen with confidence or respect.

"Under the present law as at present administered this system has put into polling places to pass upon our rights of citizenship men of the lowest types, criminals and holdup men as custodians of the franchise rights of the people of Chicago."

In a later bulletin issued on December 30, 1925, the following account is given :

At the election of April 7, 1925, the Citizens' Association placed investigators in certain precincts in the Forty-second Ward where we had found that frauds were habitually committed. Late in the forenoon of that day one of these investigators, who was stationed in the polling place of the sixteenth precinct at number 1016 North Wells Street, telephoned to us that only one election official was on duty in that polling place and that he was busily engaged in writing in names in the poll books without regard to the number of persons actually voting. He reported that up to that time not more than sixty persons had cast their ballots, while 373 names had been recorded in the poll-books as voting. We made complaint to Mr. Anthony Czarnecki, Election Commissioner, who immediately went with our Secretary to lay the matter before Judge Jarecki.

According to the observation of our investigators, one or the other of whom was in the polling-place continuously from 6.30 a. m. to the time that the polls closed, only about 125 persons actually voted during the day. The number recorded on the poll-books as having voted was 509, and that number of ballots was found in the ballot box. Only one election official was on duty in the precinct from 8.15 a. m. until 3 p. m., the others absenting themselves apparently under orders to give him a free hand in manufacturing votes.

It is well known that the returns from numerous precincts in Chicago are withheld in closely contested elections until the returns from honest precincts are in and tabulated, so that the politicians can figure out how many extra votes they need to swing the election. The situation is described by Mr. Gregory Dillon in the *Chicago Daily News* as follows:

In the 2d and 3d wards of the "black belt," wide open for every form of gambling and vice and with every precinct election board named in its entirety by "Dan" Jackson, "Ed" Wright, Oscar DePriest, and "Louie" Anderson, the bulk of Small's Chicago plurality that put him a few thousand ahead in the Republican primary was rolled up. The final returns there, however, and in several west side wards, were held back until hours after all other wards were reported in, and it was not until

the day following the primary, when the complete returns downstate had been recorded, that the apparently unanimous totals, indicating a 100 per cent vote in practically every precinct in the black belt were brought downtown.

In precinct after precinct the vote was reported as not only 100 per cent, but from 50 to 100 names appeared in the poll book as having voted in the identical order in which they followed one another on the printed list of voters.\*

The primary election of April, 1926, was one of the worst elections ever held in the city. Violence, intimidation, and frauds prevailed in a number of wards. In certain sections of the city gangs of thugs and gunmen went from precinct to precinct, terrorizing the election officers and watchers. Following the election the County Judge, upon the request of the Citizens' Association, secured the services of a private detective agency to make a house-to-house investigation in some of the wards where fraud seemed to be most rampant. The detective agency hired for this purpose had previously been used in similar work for the Association, and the men knew their business. The investigation started in the Twentieth Ward, where it was commonly believed that frauds had been practiced for years. It required a month to complete the canvass of ten precincts of that ward. The canvassers were threatened by gunmen and then were promised soft jobs if they would make satisfactory reports. Two policemen were secured to accompany and give protection to each team of canvassers, but it soon proved necessary to secure two additional policemen for each team, so that when the canvassers went into a residence to make inquiries, the four policemen stood at the door to protect them. Eight persons registered from the home of the ward boss were found not to be living there. The results of the investigation in part of this ward have been summarized as follows:

In the investigation of ten precincts of the 20th ward it was found that 211 persons were willing to sign affidavits that they

\* February 19, 1926

had not voted; 37 admitted not voting, but would not sign; 112 were listed as voting more than once; the names of 20 dead persons were affixed to ballots; 918 voters had moved, more than 80 per cent of them before primary election day, and 1611 voters were unknown at the addresses from which they were registered. There were 22 voters of whom information was not available; 100 registered from non-existent numbers; 42 registered from torn down houses; 22 from vacant lots; 21 from school houses; and 18 from outside the precinct. Votes were also cast in the names of five children who did not vote, the McQuency investigation shows.\*

A few precincts of the Twenty-Seventh and Forty-Second Wards were investigated, making a total of twenty-three precincts. The investigation was confined to persons who were recorded as having voted in the election. In these twenty-three precincts it was found that 5690 fraudulent votes were cast in the primary, or an average of 247 votes per precinct—approximately 44 per cent of the total votes in these precincts. The table on the following page presents the results of the investigation by precincts:

By *fraudulent votes* is meant the number of persons recorded as having voted who testified that they did not vote, or who had moved away prior to the primary, were unknown, registered from fictitious addresses, voted twice, and so forth. The following summaries, prepared by field investigators for the election office, indicate the detailed results of the investigation in a few typical precincts: \*

\* *Chicago Daily News*, September 29, 1926

\* Detailed reports of the field investigations and other materials have been supplied to the writer by Judge Edmund K. Jarecki, County Court of Cook County



## REGISTRATION OF VOTERS

*Results of the Investigation of the Primary Election of April 15, 1926*  
 Conducted under the direction of Judge Jarecki, Chicago, May 15 to  
 September 1, 1926

| Ward     | Precinct | Registered voters | Votes cast | Fraudulent votes |
|----------|----------|-------------------|------------|------------------|
| 20 ..... | 1        | 554               | 529        | 194              |
|          | 3        | 710               | 552        | 98               |
|          | 6        | 761               | 660        | 273              |
|          | 7        | 732               | 610        | 384              |
|          | 8        | 866               | 665        | 221              |
|          | 9        | 546               | 530        | 160              |
|          | 11       | 781               | 780        | 389              |
|          | 12       | 820               | 785        | 382              |
|          | 23       | 650               | 462        | 177              |
|          | 24       | 581               | 566        | 352              |
| 27 ..... | 8        | 696               | 656        | 198              |
|          | 10       | 765               | 623        | 246              |
|          | 11       | 631               | 580        | 279              |
|          | 12       | 745               | 623        | 251              |
|          | 13       | 744               | 673        | 352              |
|          | 15       | 542               | 461        | 213              |
|          | 30       | 586               | 525        | 166              |
| 42 ..... | 10       | 743               | 396        | 90               |
|          | 16       | 646               | 584        | 350              |
|          | 18       | 922               | 414        | 152              |
|          | 23       | 563               | 444        | 255              |
|          | 28       | 395               | 369        | 174              |
|          | 37       | 503               | 438        | 234              |
|          | 23       | 15,482            | 12,925     | 5,690            |

SUMMARY OF THE SIXTH PRECINCT OF THE TWENTIETH WARD,  
CANVASSED JUNE 17, 1926

Registration for Primary, April 13, 1926—761.

Vote cast at the Primary, April 13, 1926—660.

21 Persons did not vote, but recorded in the poll books as voting.

1 Person died before Primary, died Sept. 28, 1925, File No. 25849, Dept. of H.

1 Person voted from a schoolhouse, and is unknown.

1 Person voted from a house vacant 1½ years.

7 Persons voted from "No Such Number."

5 Persons are recorded as voting twice.

1 Person voted from a vacant lot.

104 Persons moved before Primary, and are recorded as voting.

132 Persons are unknown at addresses given, and are recorded as voting.

---

273

1 Person voted from a house vacant after Primary, and is unknown.

40 Persons moved after Primary.

Official recount of the official count shows that 2066 votes were falsely canvassed in this precinct. All the officials of the board in this precinct were indicted by the Special Grand Jury for Conspiracy to make a false canvass. One official of the board in this precinct is unknown at the address given. This board has been cited for contempt by the County Judge. One of them is served, and three cannot be found.

660 Votes cast.

273 Fraudulent votes.

387 Actual votes.

SUMMARY OF THE TWENTY-FOURTH PRECINCT OF THE  
TWENTIETH WARD, CANVASSED JUNE 8, 1926

Registration for Primary, April 13, 1926—581.

Vote cast at the Primary, April 13, 1926—566.

29 Persons did not vote, but are recorded in the poll books as voting.

1 Person appears as voting from a house vacant 2 years.

5 Persons are recorded as voting from vacants lots.

15 Persons are recorded as voting from "No Such Number."

8 Persons are recorded as voting from addresses out of the precinct.

2 Persons are recorded as voting twice.

51 Persons voted who moved before Primary.

241 Persons are recorded as voting, but are unknown at addresses given.

---

352

1 Person died after Primary.

14 Persons moved after Primary.

Clerk's certificate shows 581 names registered, and are eligible to vote. Registers are not checked, to determine whether the persons voted. Four names of persons recorded in the poll books as voting, but the registers show they are scratched from the register.

Official recount of the official count shows that 2445 votes were falsely canvassed in this precinct. All the election officials on the board in this precinct are under indictment by the Special Grand Jury for conspiracy to make a false canvass. Four of the election board in this precinct are unknown at the addresses they gave. Morris Barad, one of the election officials was found in the County Jail, under \$10,000 bonds, charged with highway robbery with a gun.

566 Votes cast.

352 Fraudulent votes.

---

214 Actual votes.

SUMMARY OF THE TENTH PRECINCT OF THE TWENTY-SEVENTH  
WARD, CANVASSED JUNE 3, 1926

Registration for Primary, April 13, 1926—765.

Vote cast at the Primary, April 13, 1926—623.

- 6 Persons did not vote but are recorded in the poll books as voting.
- 1 Person died before Primary—dead one year.
- 2 Persons voted from "No Such Number."
- 15 Persons are recorded as voting twice.
- 27 Persons voted, but moved before Primary.
- 156 Persons are unknown at addresses given.

246

- 39 Persons voted and moved after Primary.
- 127 Names appear in the poll books as voting from Workingman's Palace Hotel (Salvation Army Hotel) 623 W. Madison Street. Unable to get information.
- 22 Names of persons who are recorded in the poll books as voting from the McEwen Hotel, 606-608 W. Madison Street. Unable to get information.

Official recount of the official count shows that 2238 votes were falsely canvassed in this precinct. All the election officials on the board in this precinct are under indictment by the Special Grand Jury for conspiracy to make a false canvass. All the judges and clerks of this precinct are missing. Two of them are unknown at the addresses they gave. The officials of this board have been cited by the County Judge, but have been unable to get service on them.

623 Votes cast.

246 Fraudulent votes.

377 Actual votes.

**SUMMARY OF THE THIRTEENTH PRECINCT OF THE TWENTY-  
SEVENTH WARD, CANVASSED MAY 27, 1926**

Registration for Primary, April 13, 1926—744.

Vote cast at the Primary, April 13, 1926—673.

13 Persons did not vote but are recorded in the poll books as voting.

1 Person died before Primary—Died Oct. 22, 1925, File 27418, Dept. of H.

6 Persons voted from "No Such Number."

14 Persons recorded as voting from vacant building—vacant 8 months.

7 Persons are recorded as voting from vacant lots.

58 Persons moved before Primary.

232 Persons recorded as voting but are unknown at addresses given.

21 Persons appear as voting twice.

352

1 Person died after Primary.

12 Persons moved after Primary.

Official recount of the official count shows that 3725 votes were falsely canvassed in this precinct; three election officials on the board in this precinct are unknown at the addresses they gave.

673 Votes cast.

352 Fraudulent votes.

321 Actual votes.

Even these amazing results do not tell the entire story. Doubtless many precinct politicians were able to make arrangements with householders to take care of fraudulent registrations, and the true state of affairs was probably worse than revealed here. Undoubtedly conditions almost as bad prevailed in many other precincts and in other wards, though, of course, the precincts about which the worst reports had been made were chosen for the investigation. These investigations indicate that almost 50 per cent of the vote cast was fraudulent. The size of the frauds, the boldness with which they were executed, and the irresponsible character of the precinct election officers, many of whom could not be located, or who had given fictitious addresses, are the outstanding features. In most of the precincts a number of electors were recorded as having voted twice. This doubtless was caused by the fact that the precinct officers had fraudulently voted for the elector before he appeared. In a number of precincts persons who had never registered were permitted to vote.

Investigations conducted in outlying suburbs, Chicago Heights, Stickney, and Calumet, yielded similar results. In the village of Stickney, which does not have personal registration, sixty persons voted from the Hawthorne Race Track, and fifty from Harlem Tavern. An investigation of six precincts in Chicago Heights disclosed 744 fraudulent votes.

Nine-tenths of the election frauds in Chicago are perpetrated either by the registration and election officers themselves, or with their knowledge and consent. This is possible because of the character of the election officers. In 1926, just after the appointments had been made upon the party recommendations, the election office secretly sent out a form notice through the mails to each precinct officer. The envelope bore on the outside no indication that it had been sent from the election office, but merely had a return to a postoffice box. Out of slightly over ten thousand notices sent out, over six hundred were returned as undeliverable, indicating that these persons recommended by the party machine were unknown at the address at which they

were supposed to reside. It is a well-known fact that in some wards the party organizations nominate as precinct officers persons who no longer reside in the precinct or who are purely fictitious, and then, on the days of registration and election, send in someone else to serve under that name. The election commissioners also investigated the police records of persons recommended for appointment in 1926 and found that a number had served terms in the penitentiary, and others had been convicted of crimes against the ballot box.<sup>5</sup>

Another factor which has contributed to election frauds and crimes within recent years has been the failure on the part of a former State's Attorney to prosecute election cases. He consistently refused to prosecute election fraud cases, which operated to guarantee immunity to the political machines engaging in election frauds, and actually obstructed the activities of the election commissioners on various occasions. Since 1925 the County Judge has exercised his power of punishment for contempt and has sentenced a number of election officers to terms in jail for fraudulent conduct of elections.

The registration system of Chicago is one of the least effective in the country in the prevention of election frauds. The records do not contain the signature of the registrant, nor is the elector required to sign when he votes. This makes it possible for the precinct boards to pad the registration lists and to vote these fictitious names, as well as those of voters who have died or moved away. The whole registration procedure is conducted by the precinct board, controlled by the precinct politicians.

**Philadelphia.** Philadelphia has a long history of election frauds of various kinds.<sup>6</sup> Prior to the enactment in 1906 of the present personal registration law, wholesale frauds prevailed. At that time the only form of registration was the assessment of voters, which was made by popularly elected and politically controlled

<sup>5</sup> Personally communicated to the writer by former Election Commissioner Anthony Czarnecki.

<sup>6</sup> Clinton Rogers Woodruff, *Election methods and reforms in Philadelphia, Annals*, XXVII, 181-204.

assessors. The extent of fraud is indicated by the large decrease in the number of assessed voters after personal registration was provided. It dropped from 385,036 in 1904 to 341,825 in 1906. In the machine controlled wards the drop was very marked. In the eighth ward, for example, the number of assessed voters dropped from 6879 in 1904, to 3675 in 1906, and the registration in the latter year was only 2824.

After the adoption of the personal registration system the city was for a number of years relatively free from voting frauds. The registration commission contained outstanding men, such as Clinton Rogers Woodruff, who was commissioner for ten years. No serious charges of fraud were made. During the Blankenburg administration the police force was used to make a house-to-house canvass of the registered voters. This served to remove some of the dead weight, but did not yield altogether satisfactory results. The Committee of Seventy, an organization of citizens to protect the ballot box, was active during most of the period in ferreting out and prosecuting election crimes. It was not until 1925 that serious charges of election frauds were made, following the defeat of Judge Renshaw with suspicious returns from many precincts, and also the "sticker" election case. In the latter case an attempt was made by the Republican organization to substitute at the last moment a new candidate for the regular candidate, who was on his death bed; the stickers were not distributed until late in the day of election, but despite this fact many precincts reported a full vote for the substituted candidate.<sup>1</sup> Charges were lodged and the Registration Commission decided to conduct an investigation of registration.

The investigations were started in October, 1925, but most of them were made after the fall election in November. The results secured showed padded registration lists and voting frauds upon a large scale, though the evidence secured was not as full as that obtained in Chicago. Statistical studies indicate

<sup>1</sup> For an account of these frauds, see Austin F. McDonald, *The Philadelphia machine in action*, *National Municipal Review*, XV, 28-35 (January, 1926).



that the election frauds in Philadelphia were even more flagrant and widespread than in Chicago. The Registration Commission was severely handicapped in making the investigation. It did not have funds for the work, and the city council refused to make an appropriation. The commission, relying upon its power to mandamus the council, borrowed \$5000 to employ extra help to carry on the work, but this was insufficient and was soon exhausted. Before funds could be secured from the council, several months had elapsed after the election, and it became practically impossible to secure evidence which would lead to convictions for fraudulent padding of the lists.

Considerable publicity was given to the investigations as they were conducted, and there can be no doubt that many precinct politicians fixed their precincts. Proprietors of cheap lodging houses and householders were instructed to tell the inspectors that the registered persons still resided there, or that they had recently moved away. The most striking results were secured when the investigations were first started, before the precinct politicians had time to fix things. The inspectors used were not as experienced as the private detectives employed in Chicago, though in the main they did very creditable work. The investigations showed organized frauds on a large scale, but it is questionable whether these investigations really brought to light the true conditions in the precincts covered.

The writer has analyzed the reports of the inspectors covering the sixty-two precinct investigations made between October 15 and December 31, 1925, though in a number of cases the investigation did not include the entire precinct.

In the sixty-two precincts 2665 names, an average of 43.2 to the precinct, were reported to be stricken off the registers. A study of the individual precincts shows, however, an extremely wide variation, ranging from two to 236. The bulk of the precincts show a low number of names to be stricken off, indicating either the normal number of removals, or that the precinct had been "fixed." In each of seven precincts more than a hundred names were reported for erasure, showing conclusively padded

registration on a large scale, and in five other precincts between seventy and a hundred names were reported. A compilation of the results of all precincts investigated up until December 31, 1925, gives the following results:

|                                   |      |
|-----------------------------------|------|
| Moved .....                       | 1368 |
| Unknown .....                     | 748  |
| Vacant house .....                | 239  |
| Does not live at address..        | 41   |
| Deceased .....                    | 45   |
| Did not register..                | 42   |
| Unable to secure information..... | 111  |
| House torn down.....              | 33   |
| Miscellaneous .....               | 38   |

Approximately half of the names reported for strike-off were upon the ground of having removed. In the majority of cases the inspectors were told that the registered voters had removed since the day of registration or election, but in a large number of cases it was said that the registered voter had removed away prior to the days of registration; in some instances several years prior. When the precinct investigations got under way the precinct political workers instructed their constituents to report fictitious electors as having moved away recently, so that undoubtedly many of the reported removals represent padded registration.

The other items require little comment, representing as they do fraudulent registrations in most instances. There may be a few cases where the registered elector was unknown because he moved away and entirely new people came in before the investigations were made, but in most cases the inspectors were able to secure information from residents of a year or more. The 111 persons about whom it was not possible to secure information were registered from disreputable lodging houses where the inspectors were refused access to the lodging house register. Most of these represent padded registration. "Miscellaneous" comprises a variety of grounds, such as "no such address," "pool room," "place of business," and "minor." Excerpts from the official reports of the investigation will serve to picture the conditions found in the worst precincts of the city.

## SECOND WARD—TWENTY-FOURTH DIVISION

November 16, 1925

## Registration Commission:

Summary report of Inspector Charles F. Moffitt and George W. Dooley. . . .

|   |       |
|---|-------|
| Same persons, change of name due to marriage, moved 1 month.....                    | 2     |
| Dead, 1—three weeks, 1—Sept. 7, 1925, 1—Oct. 31, 1925, 1—1 year,<br>1—4 years ..... | 5     |
| Never did reside here.....  | 2     |
| Step-child registered under two names.....  | 2     |
| Children registered 1 age 5, 1 age 16.....  | 2     |
| Not known .....   | 109   |
| Persons did not register but entered in registration books.....                     | 10    |
| Place of residence that did not exist.....  | 2     |
| Moved time unknown.....   | 3     |
| Moved Nov. 13, 1925.....  | 5     |
| Moved 1 week.....   | 3     |
| Moved 1 month.....  | 4     |
| Moved 2 months .....  | 8     |
| Moved 3 months.....   | 6     |
| Moved 4 months .....  | 3     |
| Moved 6 months.....   | 1     |
| Moved 7 months .....  | 4     |
| Moved 8 months.....   | 1     |
| Moved 1 year.....   | 19    |
| Moved 2 years.....  | 20    |
| Moved 3 years.....  | 13    |
| Moved 4 years.....  | 7     |
| Moved 5 years.....  | 2     |
|   | <hr/> |
|   | 233   |
| Moved two years and registered in other Wards.....                                  | 5     |

The following is taken from the inspectors' report of the house-to-house investigation of the Fifth Division of the Thirteenth Ward, made October 21, 1925; a month and a half after the days of registration:

446 North 6th Street. . . , moved away two years ago. Information given by . . .

450 North 6th Street. This house is and has been vacant for from four to six months. Information given by . . . , who lives next door. . . , agent for property 450 N. 6th Street, also stated that this property has been idle for four months. The following names are registered from 450 N. 6th Street:

|                   |             |
|-------------------|-------------|
| Benjamin Johnson  | Bertha Cook |
| Mandaline Johnson | Collis Cook |
| Mamie Montage     | Lavis Adams |
| Frank Cook        |             |

*464 North 6th Street.* . . . , who lives at this address, states the following persons are not known here:

Julius Hoffmeister  
Anna Ellman

*468 North 6th Street.* . . . , has lived here for the last six years and stated that the following persons are not known here:

Shools Shapiro  
Sara Shapiro

*464 North 6th Street.* . . . , who has lived here for the last 18 months gave the following information:

Harry Gwyn, not known  
William Plate, not known  
Samuel Ornstein, not known  
Joseph Martens, moved two months ago  
James Christian, moved two months ago  
Thomas Siedel, moved three months ago  
Herbert Campbell, moved last June

*466 North 6th Street.* . . . , who lives here, informed us that the following moved from this address three months ago:

Raymond Mackey  
Catharine Mackey

*470 North 6th Street.* . . . informed us that Harry Newkirk moved three months ago.

*472 North 6th Street.* . . . and family have been living here for the last three months and gave us the information concerning the following persons:

Jacob Miskey and Esther Miskey and Jacob Skulnick and Fannie Skulnick and Meyer Skulnick moved three months ago.

*474 North 6th Street.* . . . , who lives here, says that Harry Smith is in the Philadelphia Hospital for the Insane and has been there for the last three months.

*480 North 6th Street.* . . . has lived here for over two years and gave us the following information:

John Johnson, moved two years ago  
Lola Johnson, moved two years ago  
Joseph Peters, moved two years ago  
Sarah Peters, moved two years ago  
William Griffin, moved two years ago  
Lucy Griffin, moved two years ago  
John Hollis, moved before Easter, 1925  
Esther Hollis, moved before Easter, 1925

*463 North 7th Street.* John J. Sullivan, who conducts the house, upon being interviewed as to the twenty-four registered persons from his address. We asked him the names of the persons with voting residence in his house. He requested to know who we were before he would give us any information. We informed him that we were special inspectors from the Registration Commissioners' office and he said, "All right. Read off the names and I will tell you whether they live here." We attempted to have him give us the names, but he refused. We read the names off the street list and he

said "Yes" after each name. Inspector Dooley then took up the questioning and asked him if the following persons resided there, making believe that he read them from the street list of names, reciting any name which came to his mind. He said "Yes" to all the additional names: Mary Long, Harry and Elizabeth Williams, Harry O'Brien, Mary Owens, Philip and Anna Knorr, Mary Davis, Harry Jones and other names, including my own name—George W. Dooley

The next excerpt is taken from the strike-off hearing of the Fifth Division of the Fourteenth Ward, October 22, 1925. The selections have been made to illustrate the various kinds of records and to show the situation found in some of the worst divisions.

*1210 Spring Garden Street.*

Sam Davidson, no answer

Mrs. K. Nebinger, no answer

Mr . . . , no answer

Mr . . . testified that he lived at 1210 Spring Garden Street, with Mrs. . . . and his sister-in-law.

Mr. . . . was asked if Mr. Davidson or Mrs. Nebinger lived there, to which he replied that he never heard tell of Mr. Davidson, and Mrs. Nebinger hasn't lived there since early last spring.

*1226 Spring Garden Street.*

Charles Brown, no answer

Thomas Berger, no answer

William Grenheir, no answer

Mr. Stammer, an inspector, testified that this residence was a vacant house at present, that the front door was torn out and the whole place in the process of remodeling, and that it has been in this condition for the last two months. Said he was accompanied by Mr. Everholt.

*1228 Spring Garden Street.*

Daniel A. Smith, no answer

Hilda Smith, no answer

Mr. Stammer, an inspector, testified. Said he was talking to Joseph Motaytes, proprietor of the house and restaurant, and that he said Daniel A. Smith and Hilda Smith had lived there at one time but have since moved. Mr. Stammer subpoenaed Mr. Motaytes but he didn't appear.

*1232 Spring Garden Street*

Samuel Schmidt, no answer

Fred Brown, no answer

Fred Book, no answer

Mrs. George Brown, no answer

John Grammer, no answer

George Ivana, no answer

. . . testified that she lived at 1232 Spring Garden Street in an apartment. Was asked if the above persons lived there, to which she replied that they did not, and have not lived there since about May, 1925.

*1234 Spring Garden Street.*

Mrs. . . .

Mr. . . .

Mrs. . . . testified that she lived at 1234 Spring Garden Street. Was asked if she registered on any of the assigned days, to which she replied that someone came to the door and asked if they voted. Mr. . . . told the person that he and his wife voted. She further stated she did not register, that some came around to their house and asked them to vote and how. She did not go to the polling place on either August 25th, September 1st, or 5th (Registration days). Only voted once, but not this year. Presumably last year. Was asked if she would know her own handwriting, to which she replied she would. Was shown signature on voters' check book, but claimed it was not her writing.

Mr. Roach asked her if she went to the polling place last year, to which she replied she didn't remember, but thought she did. Stated she knew she didn't and her husband didn't go to the polling place this year on either August 25th, September 1st, or 5th.

Mr. . . . testified. Was asked if he registered, to which he replied "only from the door." Was shown a signature, presumably his, but replied it was not his handwriting. Stated he lived in Jersey and did not have to go to the polls to register. Both he and Mrs. . . . were shown their signatures of 1924 and those of 1925, and both stated that the 1925 signatures were not theirs but the 1924 were.

*1316 Sprung Garden Street.*

H. W. Marks, no answer

Mrs. J. Vanderslice, no answer

Miles Smith, no answer

Patrick Smith, no answer

Charles B Taylor, no answer

Mrs. Charles B. Taylor, no answer

Miss J. Turner, no answer

Miss . . . testified that she lives at the above address. Asked if she were tenant or owner, to which she replied she was the proprietress. Was asked if the above persons lived there, to which she answer they did not. Also if Mrs. R. Holmes lived there and she said not. Stated they lived there at various times but not recently, except the Taylors, and that Mr. Taylor died in August (before the day of registration) and Mrs. Taylor moved to Washington.

*1234 Spring Garden Street.*

A. Collins, no answer

Mrs. A. Deal, no answer

Mrs. J. Wilson, no answer

Mrs. Elizabeth Early, no answer

*1211 Hamilton Street.*

Mrs. Paul Dempt, no answer

Mrs. Peter Dempt, no answer

John Mance, no answer

Carrie Mance, no answer

Louis Covington, no answer

Simon Wills, no answer

Mr. . . . testified that he lives at 1211 Hamilton Street as a tenant. Did not know of Mrs. Peter Dempt, John Mance, Carrie Mance, Louis

Covington, or Simon Wills, as they have not lived there since 1922 when he came there, and Mrs. Paul Dempt does not live there now.

*1231 Hamilton Street.*

Helen Green, no answer

James Catty, no answer

George Green, no answer

G. Jackson, no answer

Mrs. G. Jackson, no answer

Daniel Rubin, no answer

Louis Thomason, no answer

... testified that she lives at the above address as a tenant. Said persons had not lived at 1231 Hamilton Street since she has been there, which was last Christmas. Asked if she registered, she answered 'No.'

*2 Brides Palace.*

Florence Grier, no answer

William Grier, no answer

James Grier, no answer

Lulu Grier, no answer

Walter Howe, no answer

... testified that he lives at 2 Brides Place and that the above persons do not live there. Never lived there to his knowing. He has been at this address for a long time. Petition granted.

The comparative statistical studies of registration and voting which follow indicate organized voting frauds in Philadelphia to a greater extent than was brought out by the investigations. The unanimous vote in many of the precincts given to William S. Vare in the Republican senatorial primary in 1926 and also in the following general election of that year attracted attention throughout the country. A study of the registered electors voting in the transient, machine-controlled sections of the city also shows a suspiciously high vote cast. Prior to the recent charges of voting frauds it was by no means unusual for the precincts in the transient sections to cast 100 per cent of their registered vote—an obvious fraud and absurdity. More recently the precinct politicians have been more wary. The tables given below afford a comparison of the percentage of registered electors voting in one of the best and in one of the worst wards of the city. The Second Ward is located downtown on the river front, and has a transient population, machine controlled and economically poor; the Forty-second Ward is one of the best wards of the city, and consists of a stable population. The Twelfth Ward is in the lodging house and cheap hotel or "flop-house"

district, while the Forty-sixth Ward is in the best residential section of the city.

These tables present conclusive evidence of voting frauds. It is quite inconceivable that every elector in any precinct would

*Registered Electors Voting in the Second and Forty-Second Wards, Philadelphia, Fall Election, 1923 \**

| Second ward  |                          |               |                      |                      | Forty second ward * |                          |               |                      |                      |
|--------------|--------------------------|---------------|----------------------|----------------------|---------------------|--------------------------|---------------|----------------------|----------------------|
| Pre<br>cinct | Regis<br>tered<br>voters | Votes<br>cast | Failed<br>to<br>vote | Per<br>cent<br>voted | Pre<br>cinct        | Regis<br>tered<br>voters | Votes<br>cast | Failed<br>to<br>vote | Per<br>cent<br>voted |
| 1            | 156                      | 156           | 0                    | 100                  | 1                   | 296                      | 182           | 114                  | 62                   |
| 2            | 221                      | 194           | 27                   | 87                   | 2                   | 224                      | 144           | 80                   | 64                   |
| 3            | 143                      | 130           | 13                   | 90                   | 3                   | 330                      | 198           | 132                  | 60                   |
| 4            | 264                      | 262           | 2                    | 99                   | 4                   | 358                      | 226           | 132                  | 65                   |
| 5            | 253                      | 230           | 23                   | 91                   | 5                   | 317                      | 216           | 101                  | 68                   |
| 6            | 207                      | 197           | 10                   | 97                   | 6                   | 451                      | 295           | 156                  | 65                   |
| 7            | 321                      | 248           | 27                   | 87                   | 7                   | 359                      | 240           | 119                  | 67                   |
| 8            | 350                      | 348           | 2                    | 99                   | 8                   | 202                      | 134           | 68                   | 66                   |
| 9            | 321                      | 259           | 38                   | 81                   | 9                   | 162                      | 110           | 52                   | 68                   |
| 10           | 304                      | 301           | 3                    | 99                   | 10                  | 403                      | 262           | 141                  | 65                   |
| 11           | 353                      | 289           | 64                   | 82                   | 11                  | 401                      | 231           | 170                  | 58                   |
| 12           | 485                      | 412           | 73                   | 85                   | 12                  | 333                      | 200           | 133                  | 60                   |
| 13           | 158                      | 141           | 17                   | 89                   | 13                  | 245                      | 145           | 100                  | 59                   |
| 14           | 243                      | 236           | 7                    | 97                   | 14                  | 331                      | 255           | 76                   | 77                   |
| 15           | 261                      | 257           | 4                    | 99                   | 15                  | 342                      | 222           | 120                  | 65                   |
| 16           | 282                      | 248           | 34                   | 88                   | 16                  | 288                      | 187           | 101                  | 65                   |
| 17           | 456                      | 431           | 27                   | 95                   | 17                  | 219                      | 163           | 56                   | 74                   |
| 18           | 210                      | 179           | 31                   | 85                   | 18                  | 416                      | 267           | 149                  | 64                   |
| 19           | 291                      | 290           | 1                    | 99                   | 19                  | 314                      | 226           | 86                   | 72                   |
| 20           | 245                      | 235           | 10                   | 96                   | 20                  | 300                      | 191           | 109                  | 64                   |
| 21           | 218                      | 218           | 0                    | 100                  | 21                  | 358                      | 239           | 119                  | 67                   |
| 22           | 295                      | 244           | 49                   | 83                   | 22                  | 691                      | 408           | 283                  | 59                   |
| 23           | 371                      | 312           | 59                   | 84                   | 23                  | 328                      | 219           | 109                  | 67                   |
| 24           | 602                      | 602           | 0                    | 100                  | 24                  | 327                      | 214           | 113                  | 65                   |

\* First twenty four precincts

vote at any election. When 602 registered electors are all recorded as having voted, there can be no doubt as to what took place. The tables show that from 90 to 100 per cent of the registered electors in the Second and Twelfth Wards voted, with a few precincts dropping slightly below 90 per cent. This is obviously too high when account is taken of the transitory char-

\* From the annual reports of the Registration Commission.



acter of the population in these wards. Even when due account is taken of the activity of the political machine in the controlled wards, the percentage of registered electors voting still indicates a substantial amount of voting frauds. It is absurd for the floating sections of the city to cast a vote 26 per cent higher than that of the best wards. Approximately two months intervene between the days of registration and the election, and within

*Registered Electors Voting in the Twelfth and Forty-Sixth Wards, Philadelphia, Fall Election, 1926*

| Twelfth ward |                   |            |                |                | Forty-sixth ward * |                   |            |                |                |
|--------------|-------------------|------------|----------------|----------------|--------------------|-------------------|------------|----------------|----------------|
| Pre-cinct    | Registered voters | Votes cast | Failed to vote | Per cent voted | Pre-cinct          | Registered voters | Votes cast | Failed to vote | Per cent voted |
| 1            | 126               | 126        | 0              | 100            | 1                  | 193               | 159        | 34             | 82             |
| 2            | 264               | 263        | 1              | 99             | 2                  | 256               | 239        | 17             | 94             |
| 3            | 321               | 323        | 0              | 101            | 3                  | 322               | 290        | 32             | 90             |
| 4            | 310               | 281        | 29             | 90             | 4                  | 432               | 385        | 47             | 89             |
| 5            | 142               | 141        | 1              | 99             | 5                  | 253               | 221        | 32             | 87             |
| 6            | 275               | 265        | 10             | 96             | 6                  | 335               | 266        | 69             | 76             |
| 7            | 214               | 189        | 25             | 88             | 7                  | 248               | 218        | 30             | 88             |
| 8            | 517               | ?          | ?              | ?              | 8                  | 213               | 189        | 24             | 89             |
| 9            | 237               | 221        | 16             | 93             | 9                  | 289               | 250        | 39             | 87             |
| 10           | 205               | 198        | 7              | 97             | 10                 | 292               | 262        | 30             | 89             |
| 11           | 84                | 84         | 0              | 100            | 11                 | 359               | 295        | 64             | 82             |
| 12           | 178               | 172        | 6              | 97             | 12                 | 241               | 203        | 38             | 84             |
| 13           | 345               | 329        | 16             | 96             | 13                 | 208               | 190        | 18             | 91             |
| 14           | 463               | 456        | 7              | 99             | 14                 | 242               | 223        | 19             | 92             |

\* First fourteen precincts.

that time in the transient wards many electors move away, to say nothing of electors who are absent, ill, or indisposed on the day of election.

**Louisville.** The 1925 municipal election in Louisville was the scene of wholesale voting frauds, which were cleverly planned and executed. The election was set aside in 1927 by the Kentucky Court of Appeals, and the offices declared vacant. The governor of the state appointed to office the defeated candidates, who had been wrongly deprived of election.\*

\* See David R. Castleman, Louisville election frauds in court and out, *National Municipal Review*, XVI, 761-69 (December, 1927).

This case brought to light in minute detail the technique followed by the Republican machine to inject fraud into the election. Louisville was operating under a new permanent registration law which had gone into effect the previous year. This law violated almost every principle of sound registration, and had, in effect, grafted permanence upon a previous obsolete annual system. In particular, it was weak in its provisions for purging the lists of the names of persons who had died or moved away. Provision was made whereby "purgation days" could be ordered, and upon these days two officers, representatives of the two leading parties, would sit in each precinct to hear challenges of registration. The ordinary means of purging the lists, such as a house-to-house canvass, the use of death reports and transfers, and cancellation for failure to vote, were not provided. It is small wonder that the registers soon became clogged with dead weight and led to repeating.

In the summer and fall of 1925 the Republican organization instructed its precinct workers to canvass the precincts and report to headquarters the names of all registered voters who had died or moved away. This in itself was perfectly legal, and the information might have been used to prevent frauds, but the evidence brought out in the trial shows conclusively that these names were secured to be used by repeaters at the coming election. The next step of the Republican machine was to order its precinct purgation officers to refuse to perform their duties, thereby preventing any names from being removed in some precincts, except by court order. A copy of the order which was introduced as evidence, read in part:

You are not expected to find out or determine the present status of the voter. That is a matter to be determined by the courts or the regular election officers on election day."

An attempt was made to purge the registers by court orders, and 2673 names were stricken from the book, but there was not sufficient time left to handle the thousands of challenges in the courts." In many precincts the court orders were disregarded

<sup>10</sup> Brief for the Appellant, Appendix, p. 71, *Taylor v. Nuetzel*.

<sup>11</sup> *Taylor v. Nuetzel*, 295 S W 873 (1927).

by the precinct election officers and persons were permitted to vote under these names. How many illegal names remained on the books on the day of election is not known, but it was very large. The contestants charged that the books had been padded with fictitious names for use by repeaters at the election. The number of illegal names on the registers may be judged somewhat by the fact that there were approximately thirty-two thousand five hundred negroes registered, though the total negro population of that year, as shown by a special federal census, was only forty-seven thousand.<sup>13</sup> Seventy per cent of the total negro population, men, women, and children, were registered. In cities with clean registration the percentage of the total population registered is usually about thirty-three. In 1927 the two-party organization worked actively to clean up the books, and took off sixty thousand names, and estimated that about twenty-five thousand more names should have been removed.<sup>14</sup>

As a result of the precinct canvasses the Republican headquarters had a list of all registered persons who had died or moved. Before the election a crew of clerks was employed in a room over a restaurant nearby the headquarters to copy these names upon so-called "repeater slips." These forms contained spaces to enter the name, address, color, sex, height, weight and all the other items on the registers as well as the ward and precinct, and voting place. On the day of the election concentration camps for repeaters were established. Each camp contained a wide variety of persons, white and black, and of both sexes, so that the director could select a repeater who corresponded closely to the description of the voter contained on the repeater slips. In many precincts the repeaters came in to the polls with these slips in their hands and handed them to the precinct officers to receive a ballot.

Another feature of the scheme was the use of tokens and a central paymaster. Previous experience had shown that precinct workers were often indiscreet with large sums of money, or might pocket it themselves. To get around these difficulties,

<sup>13</sup> Castleman, *op. cit.*, p. 763.

<sup>14</sup> Letter to the writer from Mr. S. Lyman Barber of Louisville.

aluminum discs about the size of a half-dollar, with the imprint of a bull dog, were prepared and were given to the repeaters when they voted. The paymasters were said to have paid two dollars apiece for these tokens early in the day, but later the price was cut to one dollar.

In some precincts there was a considerable amount of intimidation and actual violence. In one precinct a colored Democratic election officer was first threatened, then called out of the polls, beaten and chased away and shot at and later arrested and thrown into jail. In the main however, violence and disorder was taboo, and the repeaters were instructed to depart peaceably where they were not permitted to vote. The system was worked out so perfectly that repeaters were sent into Democratic precincts and in most cases were successful in voting.

The situation which prevailed generally in certain wards of the city is pictured as follows by the attorneys for the contestants:

Seventh Ward—11th and 12th Precincts. These two precincts are treated together because of the fact that they are located on opposite sides of the same street. In the 11th precinct William Burns (white) was Democratic challenger and in the 12th precinct Charles Levitch (white) was Democratic challenger. In each precinct the challenger presented Court orders showing that numerous names had been stricken from the registration books in purgation proceedings and in each precinct the election officers ignored the orders and in the 12th precinct told the challenger "to Hell with the Court." In the 11th precinct all of the election officers were negroes, and one Hamilton, posing as a Democrat, did not live in the precinct and was paid by the Republican organization. In the 12th precinct two of the election officers were white, the other officers being negroes. In both precincts the election officers refused the challengers the right to see the registration books and refused the right to challenge or question the voter or obtain their signatures. Early in the morning the voters were rushed into the polls in large numbers, sixty being voted in the 12th precinct during the first hour. Several white men were stationed outside the polls near these two precincts and they testified that repeaters paraded back and forth between these precincts, going inside the polls on one side, remaining awhile, coming out and going

inside the polls on the other side. One negro was observed to make the trip back and forth seven times. Automobile loads of repeaters came up to the precinct, were handed slips and immediately went into the polls. The challengers say that every one voted who came into the polls. In addition to the foregoing, in the 11th precinct 42 false ballots were identified as to name and address, five names having been voted twice, and in the 12th precinct 33 false ballots were identified as to name and address, all of which false ballots found their way into the ballot boxes. The vote in the 11th precinct was Democrats 2, Republicans 176, and in the 12th precinct, Democrats 12, Republicans 167.

\* \* \* \*

Ninth Ward—22nd Precinct. Theodore Edwards (white) was challenger. All officers were negroes. Polls did not close until 4.20 p. m. About 40 unidentified repeaters were sent out of a pool room across the street into the polls. Before this was done the Republican captain of the precinct took a list of names off the polls books, went across the street into the pool room and thereafter the repeaters began to appear with slips in their hands. All of them were voted. The Republican captain undertook to raise a disturbance with the challenger, but in order to remain in the precinct the challenger did not question any of these repeaters. Between the date of the registration in 1924 and the election in 1925, a block in this precinct was torn down and a swimming pool erected there for colored people. Ten names were voted from the swimming pool, giving the swimming pool as a residence. Every one who came into the polls giving a name on the book was voted. Every ballot in this precinct had left attached to it a secondary stub. No attention to challenger was paid at any time during the day. Sixteen false ballots were identified as to name and address. The vote in this precinct was Republicans 146, Democrats 1."

The evidence was summed up as follows by the Court of Appeals:

The evidence fully establishes that there were camps or stations where a large number of people of all colors, nationalities, and descriptions were congregated on election day. A number of these camps or stations were established in different parts of the city and four or five of them are described in detail and with some particularity. Automobiles of all kinds and classes

were assembled at these places. Loads of negro voters were hauled to different precincts, and reputable witnesses testify that they entered the polls of one precinct after another, and that the purpose of the activities at these camps was to fit an imposter to a name and description appearing upon the registration book in some precinct and then to get him to the precinct so that he could vote under that name. When he had accomplished his purpose once, he was sent to some other precinct. There is little doubt that illegal voters were concentrated at these camps, and there is little doubt that many of them were sent in to vote and did vote in numerous precincts throughout the city.

It would take up too much space and time to follow the conspiracy step by step as it unfolded and operated on the day of the election. The slips described as repeater slips by counsel for appellants were used to some extent, but their use was unnecessary in many of the precincts. The bull dog checks were used to a limited extent. Illegal votes in large numbers were cast in 35 or 40 precincts of the city, as disclosed by the evidence, and it is inferable from the evidence that the number of illegal votes cast in some of the other precincts must have been as large. The evidence discloses that the names of dead men were voted in many instances; that the names of women who had registered under their maiden names and thereafter married and again registered under their married names were voted under their maiden names which had not been stricken from the registration books; that the names of those who had left the city and the state were voted; that the names of those who had removed from the precinct were voted; that the names of the sick and those absent from the city on business were voted; that the names of those who through neglect or indifference did not attend the election were voted; that the names of those stricken from the registration books by order of some judge of the circuit court were voted; that the names of those who did not appear at all on the registration books were voted; that negroes voted for the names of white registrants; that the names of some registrants were voted twice; that the names of those illegally on the books were voted more than once in some instances. All of these votes were cast by hired impostors and the chancellors found that there were 900 of such votes which could be segregated, described and named.<sup>16</sup>

<sup>16</sup> Taylor v. Neutzel, 295 S. W. 873 (1927).

## APPENDIX 3

### INSTRUCTIONS TO FIELD DEPUTIES FOR REGISTERING VOTERS (SAN FRANCISCO) 1928

1. **COURTESY:** Clerks must treat the public with the utmost courtesy. Be patient; the person you are registering does not always understand you clearly and has not been instructed in the requirements of the law as you have.
2. **ACCURACY:** You will be paid only for affidavits of registration that are complete in all the data required. You will have to correct all errors, and fill in all omissions.
3. **DUPLICATES:** You will not be paid for affidavits that are duplicates of registrations taken previously during this year.
4. **You will report every morning at 8.30 a. m.** to the deputy in charge of registration. You will deliver the affidavits taken the day previous, present your report (Form 96) properly checked and certified, and receive supplies for further work.
5. **TERRITORY:** This is important and must be obeyed. Your affidavits will be checked to insure its observance. Each clerk will be assigned a definite territory to register. **You must not go outside of this territory.** Stay on your own side of the street! Your daily report must show what blocks and portions of blocks you cover each day: *e. g.*, "Market street odd side from 6th street to 1031." Finish one street before beginning with another. Start with the lowest number in the precinct and work up to the highest. So far as practicable, do the even side, then the odd side, of each block. Blind alleys and courts should be done as they are reached.
6. When you call to register a person, you must first find out if he or she is entitled to register. You will do this by asking, "**Were you registered in this City and County as a voter last year?**" If the person replies "yes" you may proceed to register him or her at once.

If the person replies "no" you must ask "**Are you a citizen?**" If not a citizen the person cannot register. If a citizen, ask,

**"Will you be a resident of this state for one full year on May 1, 1928?" Will you be a resident of the city for 90 days next preceding May 1, 1928, i. e., since February 1, 1928?"** An affirmative answer is required to both questions to give the person the right to register.

You must next inquire where the person was born. Qualified persons born in the United States may be registered at once. **In the case of naturalized citizens, do not register them unless they can give the date and place of naturalization.** If they were registered last year look in the body or supplement of the bound book called the Naturalization Book. If they have their papers copy the date from them. The date is found in the middle of the naturalization papers—**not at the end.** Use the naturalization records of the Department to get data not otherwise obtainable.

Before registering a person administer the following oath:—"I solemnly swear that I will truthfully answer all questions concerning my registration."

In connection with the numbered paragraphs of the affidavit note the following instructions: Paragraph 2. **Write out the person's full name.** Be sure to get the correct spelling. In the case of a married woman get her given name, not her husband's: *e. g.*, "Mrs. Mary Ann Smith," not "Mrs. John Henry Smith." Every woman's name must be preceded by Miss or Mrs., as the case may be. Chinese names are written in the order given, both on the body of the affidavit and on the stub.

Paragraph 3. **Get the right street number and the correct cross streets.** Be sure to have the person registering tell you the street, the number, and the cross streets. Check up their statement by your street guide before you go on with the affidavit. **This is a positive invariable rule.** Put down the floor—1st, 2d, 3d, etc.—on which the person lives. If they do not occupy all the rooms on the floor put down number (if numbered), or location as "front," "middle" or "back," if unnumbered. If the person owns or rents the whole house or flat put down the word "all" after the word Room.



**Paragraph 4.** For occupation get kind of trade or business followed, as "laborer," "machinist," "clerk," "merchant," "housewife," using one word only, if possible; don't write place of employment, as "Proprietor of Ketchum & Cheetham's."

**Paragraph 5.** Do not enter fractions of an inch in putting down the height.

**Paragraph 6.** If the person was born abroad, get the name of the country of his birth as it was at that time. If born in this country put down the state, not city or town.

**Paragraph 7.** Men born abroad usually acquire citizenship by "Decree of Court"; that is, by getting out "second or final papers." **In such cases you must get the actual date of these papers and the city, or county, and state where issued.** This may be frequently ascertained from the Directory of Naturalized Citizens furnished to you. **If the man is registering in this state for the first time he must show his papers. If you cannot get the correct date do not register him. Tell him he must register at the City Hall.**

If a man claims citizenship through his father's naturalization you must ascertain, first, that his father took out final papers while he, the son, was under age; second, that he, the son, came to this country while under age.

If a man claims citizenship through citizenship of father you must ascertain that the father was a citizen at the time of the man's birth and that the man claimed citizenship in the United States upon arriving of age either by returning to the United States before that time or making the necessary declaration to an American Consul abroad.

**In either of the last two cases the name of the father must be entered on the affidavit.**

A woman may claim citizenship by any of the three foregoing methods, and the same rules apply.

On September 22, 1922, a new law went into effect providing that on and after that date foreign-born women cannot acquire citizenship through marriage to a citizen or by the naturaliza-

tion of the husband, but can only become citizens by decree of court.

**Prior to September 22, 1922, most foreign-born women acquired citizenship through marriage to a citizen or the naturalization of the husband.**

**Marriage to a citizen** is where a foreign-born woman, otherwise not a citizen, married a man who was already a citizen at the time of their marriage. **In such a case enter the date and place of the marriage and the name of the husband by whom she acquired citizenship.** And for such a case to be valid the date must be prior to September 22, 1922.

**Naturalization of husband** is where a woman married an alien, who, after marriage, became a naturalized citizen. **In such a case write down the date and place of the husband's final papers and the name of the husband.** And the date must be prior to September 22, 1922.

Naturalization by Act of Congress and by Treaty are practically non-existent in the electorate of San Francisco.

**Native-born women who married aliens** between March 2, 1907, and September 22, 1922, lost their citizenship and until September 22, 1922, could become citizens again only by the naturalization, death or divorcement of the husband. After September 22, 1922, such women, married between those dates, can become citizens only by decree of court.

Native-born women married to aliens prior to March 2, 1907, or on or after September 22, 1922, do not lose their citizenship.

Paragraph 8. Illiterates cannot register except, first, they were already voters on October 10, 1911; or, second, were more than 60 years of age on October 10, 1911.

**Persons unable to read, write or mark their ballot by reason of some physical disability should have nature of disability noted on affidavit.**

Paragraph 9. The following political parties have official standing:—Republican, Democratic, Socialist, Prohibition. The person registering may, however, declare any other party name he or she wishes. Be careful about mere statements "I

am independent"; "I am non-partisan"; such declaration should be entered as "declined." But, if the person insist that she or he affiliates with the "Independent Party" that name must then be entered.

7. **Fill out the stub at the top of the affidavit.** In this case write family name first, given names afterward. With Chinese the name, if entirely a Chinese name, should run the same as on the body of the affidavit. Their first name is the family name.
8. **Be sure to have the person sign the affidavit and write his or her address on the line below; and be sure to date and sign the jurat yourself.**
9. Write down the correct precinct and district both on the stub and the affidavit.
10. **CHANGES OF RESIDENCE:** The former residence, street and number, with precinct and district, must be entered in the upper left hand cancellation form when a person has registered since January 1, 1928, and has moved since that registration.
11. **NATURALIZATION CARDS:** In every case where the person is registering in this country for the first time and has been naturalized by decree of court you must fill out a naturalization card. Write in all the data required on these cards and turn them in each day with your affidavits. Have the person sign his or her name on the bottom line of the card.
12. You are furnished cards for our Hotel and Apartment House index. Make out a card for every hotel or apartment house in your precinct. Turn these in each day, also.
13. San Francisco firemen must register from their homes, if they have any, rather than from the firehouse.
14. **Void:** Write out reason on all affidavits marked Void.
15. Use indelible pencil in making out affidavit.
16. **Be careful that the carbon paper covers the duplicate completely.** Put it far enough to the top so that the top line of the stub is covered as well as the last line of the affidavit.
17. Write carefully and plainly.

## APPENDIX 4

### SELECT BIBLIOGRAPHY

This study has been based almost exclusively upon field surveys of the existing registration systems, and not upon printed materials, which are very meager upon this subject. The most important printed sources of information are election laws of the several states and the judicial decisions. It would be only tedious to enumerate the former, and the latter have been cited in the footnotes. Many pamphlets of instructions, forms of various kinds, office records, and annual reports of election offices have been used, but it would serve no useful purpose to list them.

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